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PUBLIC SCHOOL LAW.

AN ACT

To Establish and Provide for the Maintenance of a General and Uniform System of Common Schools and Improve their Usefulness.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. COMMON SCHOOL SYSTEM ESTABLISHED. OFFICERS.] A general and uniform system of free public common schools is hereby established and shall be provided for and maintained in all parts of this Territory included within organized counties. Those schools which are within incorporated cities, towns and villages which now have or may hereafter have boards of education, shall be governed by such laws as now are or may hereafter be in force concerning them, but this act shall not apply to or govern such boards of education except in those matters wherein it specifically refers and applies to them. All other public schools shall be established, maintained and governed under this act, and for their organization and government and the administration of the affairs of all public schools so far as they have relations thereto, the following officers shall be appointed, elected, or otherwise des-

ignated, with the various powers and duties provided in the several laws to them relating, viz:

A superintendent of public instruction for the Territory; deputy superintendent of public instruction for the Territory; a county superintendent of public schools for each organized county; a board of education for every incorporated city, town or village entitled thereto, and having the membership and subordinate officers provided by law; a school board consisting of three members for every organized school township; and such other officers as may be by law provided or associated with these in duty.

SCHOOL CORPORATIONS.

§ 2. POWERS OF SCHOOL TOWNSHIPS.] Every organized school township is hereby declared a distinct municipal corporation for school purposes, by the proper corporate name of the school township, and by such name shall be capable and have power to contract and be contracted with; to sue and be sued in any court having competent jurisdiction; to take by grant, gift, bequest or devise, and hold and dispose of, and convey any real or personal property or estate, and to so take, hold, and dispose of the same whether transferred in terms to such corporation by its proper name and style, by designation, or to any person or persons, or body or officer, for it, for the use and benefit of common schools and for school purposes; and such property while used or appropriated for such school purposes shall not be levied upon or sold by virtue of any warrant, writ, execution or other process, nor be subject to any judgment lien, nor be subject to taxation for any purpose whatsoever; and the title of the school houses, sites, lots, furniture, books, apparatus and all appendages and appurtenances, and all other property belonging to any such corporation for school purposes, and all such property in this act mentioned and within such corporation, shall be vested in said corporations respectively. This section and the powers in this act granted to such corporations and the school boards thereof shall not be construed to prevent the alteration of the boundaries of any such corporation for the good of schools or for necessary civil purposes.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

§ 3. TERRITORAL SUPERINTENDENT. HOW APPOINTED, &C. At each biennial session of the legislative assembly, the Governor shall nominate, and by and with the advice and consent of the legislative council, appoint a person of suitable learning, ability and experience as superintendent of public instruction, who shall hold his office for two years and until his successor is appointed or elected and qualified, and who shall be a Territorial officer. When any vacancy occurs in said office by death, resignation or otherwise, the governor shall appoint some skilled, suitable and qualified person to the vacancy, and the person so appointed shall hold the office for the remainder of the term and until his successor is appointed or elected and qualified. The governor is authorized to remove from office any superintendent of public instruction who violates, or fails to faithfully discharge the duties of his office, and to appoint a successor as herein provided. The superintendent of public instruction shall qualify as provided by the Political Code, before entering upor the duties of his office.

§ 4. DUTIES OF SUPERINTENDENT.] It is the duty of the superintendent of public instruction to make and preserve a record of his official acts; to faithfully and constantly labor to promote the interests of public schools and education throughout the Territory and in all the organized counties thereof; to visit the common schools therein, confer and advise with the county superintendents and teachers, direct and aid them in the efficient, systematic and thorough organization of common schools and encourage the opening and maintenance of additional schools when necessary; to prescribe and furnish blank forms for the collection of statistics and making reports of all the schools and school property within the Territory, and of the receipt and disbursement of all public school funds. He shall also make a careful study of the school system from his own experience and that of others in the Territory, and shall open such correspondence with other Territories and States as shall be necessary to enable him to secure useful information of systems and improvements therein, and embody the results of such study in recommendations in his reports to the Governor, and make such redraft of our school laws or prepare

such amendments for the same as in his judgment are necessary to the more successful conduct of our schools, the care of our school funds and the improvement of our system.

§ 5. POWERS AND DUTIES OF SAME.] He shall have power to grant certificates of qualification to persons of proper learning, ability and experience, who hold, or would be competent to receive first grade certificates in a county, and who are besides this specially meritorious, or who are graduates of normal schools, which shall authorize them to be employed and to teach in any public school in Dakota for the period of five years from and after the date thereof, and for every such certificate he may charge and receive a fee of not more than five dollars. He shall prescribe the examinations to be made by county superintendents to test the acquirements of candidates for certificates, and the respective degrees thereof which shall be required of teachers for licenses of different grades. He shall secure as far as possible uniformity in the practical working of the school laws and in the standards of qualification for teaching, and to this end may attend examinations by county superintendents, and is authorized to inspect at any time the records of county superintendents, and the examination and other papers on file in their offices; and he shall in all respects strive to render the school system and its operations efficient and useful to the people.

§ 6. SHALL REQUIRE REPORTS—DUTY WHERE FUNDS ARE MISAPPROPRIATED.] He shall require and seek to secure prompt, full and accurate reports of all statistical and financial matters required by law or useful to the system, from every officer required to make them, and shall endeavor by every means in his power to prevent all waste and every unlawful payment of school funds. If he learns of any misappropriation or unlawful detention, embezzlement or other criminal misuse of public school revenues or funds by any officer or person, he shall immediately inform the district attorney within whose district the act occurred, and it shall be the duty of such district attorney to promptly prosecute all such offenses, and bring actions in the name of the proper school corporations for the recovery of all such funds and revenues.

§ 7. COMPENSATION, MILEAGE, &C. SHALL FURNISH BLANKS. APPROPRIATIONS.] The salary of the superintendent of public

instruction shall be fifteen hundred dollars a year, which shall be paid to him in equal parts for each calendar month after the end thereof, by warrant of the Territorial Auditor upon the Territorial Treasurer, upon his filing with the Auditor his receipted account therefor. He shall also receive necessary mileage or traveling expenses for travel required in his duties to an amount in all not exceeding four hundred dollars a year. He is also authorized to procure the necessary stationery, blanks, postage, and record and account books, for his office, and to rent proper office room and provide the necessary desks, cases, tables, chairs and other furniture necessary and required for the safe and proper keeping of books, papers and correspondence, and to make convenient, advantageous, and accessible to the public, the office and its records, books and exhibits of educational apparatus and material; to an amount in all not exceeding five hundred dollars a year. He shall also cause to be prepared and printed and shall furnish to the several county superintendents the proper blanks necessary and required for their reports and for teachers certificates, and for the reports of the officers of the school corporations, and of all teachers of public schools which are required to report to them, in their respective counties, all of which blanks shall be furnished to the number of not less than three for every such officer and teacher, and such additional number as the law may require to be used; to print circulars of instruction to the various school officers and distribute them through the county superintendents; and the accounts for all such blanks and printing shall not exceed fifteen hundred dollars a year. All accounts made by him for salary; for traveling expenses; for office rent and expenses, printing, postage and stationery, and for blanks and instructions, shall be stated in detail showing the items and the cost of each, and shall be separate for each of the four general purposes above mentioned and described. And the appropriations for these several general purposes shall be known in law and in the accounts of the Superintendent and Auditor and other officers, respectively, as the salary fund, the mileage fund, the office fund, and the blank fund, and a separate account shall be kept for each. Every account shall be officially certified by him as true, correct and just, and shall be receipted to the Territory of Dakota before payment. The Auditor shall under no consideration audit and allow ac-

counts against either of said funds in any year beyond the amount appropriated therefor, but all the unexpended balances in any year may be carried over and expended in the subsequent year. There is hereby appropriated out of any money in the Territorial treasury not otherwise appropriated, the sum of fifteen hundred dollars each year for salary of the superintendent of public instruction; the sum of four hundred dollars a year for traveling expenses; the sum of five hundred dollars a year for the office expenses, and the sum of fifteen hundred dollars each year for the purchase of blanks and printing instructions.

§ 8. TEXT BOOKS, APPEALS, ETC.] The superintendent of public instruction shall discourage the use of sectarian books for any purpose, and sectarian instruction in any form in the schools, and shall advise in the selection of books for school township libraries. He shall examine and determine all appeals duly made to him from the decision of any county superintendent in all matters of difference arising between persons or officers in the administration of the school laws, except as limited under the sections governing decisions by county superintendents, and his decision of such appeals shall be final. Said appeals shall only be taken from the decision of the county superintendent upon the questions at issue, and then only in writing to the county superintendent, who shall upon receipt thereof forward to the Territorial Superintendent a brief and orderly statement of the case, together with the papers and evidence relating thereto, and the decision of the Territorial Superintendent shall be made in writing, endorsed upon such statement or upon paper attached thereto.

§ 9. ANNUAL REPORT.] The Territorial Superintendent shall on or before the fifteenth day of December in each year, prepare and present to the Governor a report in writing of his official acts for the preceding school year, with a full statement of the condition of the public schools in the Territory, the collection and expenditure of the public school funds and revenues, and statistics of the school population, number and grade and duration of schools, attendance of pupils, wages of teachers, and other facts and statistics showing the condition, progress and character of the public schools and of school property. He shall discuss any subject relating to public education he may deem important to the welfare of the schools, and make such suggestions as are required to advance, improve and support them, together with drafts of law or amendments thereto which he may recommend; which report, with all accompanying papers, the Governor shall submit to the next session of the Legislative Assembly, with his message.

COUNTY SUPERINTENDENT.

§ 10. COUNTY SUPERINTENDENT—BOND, ETC.] The qualified

electors of the several organized counties shall, at the same time and in the same manner that other county officers are chosen as provided by law, elect a suitable person, either male or female, of proper character, ability and experience to be superintendent of public schools within such county, who shall hold office for two years from and after the first Monday in January next succeeding his or her election, (except when elected to fill a vacancy, when he or she shall immediately qualify and enter upon the duties), and until his successor is elected and qualified. Before entering upon the discharge of his duties he shall take and subscribe an oath or affirmation that he will support the constitution of the United States and the laws thereof governing this Territory, and that he will faithfully discharge the duties of his office (naming it); which oath shall be filed in the office of the county clerk. He shall also execute a bond in the manner required by law, with one or more sureties, in the penal sum of five hundred dollars, which bond shall run to the county, be approved by the county board and filed in the office of the county clerk:

Provided, however, That the board of county commissioners of the proper county shall have power to dismiss from office any county superintendent for immorality, intemperance, incompetency or general neglect of duty; but no county superintendent shall be dismissed without giving him written notice, under the hand of the county clerk attested by the seal of his office, twenty days or more before the day for the next regular session of the board of county commissioners, at which the cause shall be heard. The said notice shall state the charges preferred, the character of the instrument in which they are preferred, whether petition, complaint, or other writing, with the name or names of those preferring the same. If the board find the charges true, they shall dismiss the county superintendent and appoint a proper person to the vacancy to hold as provided by law. This provision for the dismissal of a county superintendent shall not affect the powers granted by chapter twenty-two of the Political Code, but the proceedings authorized thereby may be taken against the county superintendent the same as it this law were not passed. Whenever used in this act or other law as referring to the county superintendent of public schools, the words: he, his or him, or like words, shall be also understood in the feminine gender.

§ 11. COMPENSATION, MILEAGE, ETC.] The county superintendent shall receive three dollars for each day actually employed in the discharge of the duties of his office, and the sum of ten cents a mile for each mile actually traveled by him in the necessary discharge of his duties. In addition thereto every county superintendent shall receive from his county not less than fifty dollars nor more than four hundred dollars for each year he

shall serve, to be fixed by the board of county commissioners of his county and paid to him quarterly as the salaries of county officers are paid. He shall also be allowed a reasonable amount, not less than actual cost, for record books, stationery and postage for the necessary use of his office and in his duties. He shall make out in detail his account for services and mileage, stating date and time employed, kind of services rendered and number of miles actually and necessarily traveled in his duties, which account shall be signed and verified by his affidavit, to the effect that the account and each item thereof are true. Said account may include in the same statement all and any of the several kinds of charges herein authorized, except salary, and may be rendered quarterly and filed with the county clerk for the board of county commissioners, who shall at their next session thereafter audit and allow the same, and the amount thereof shall be paid by warrant out of the county general fund. The superintendent may in such account charge for less than an entire day of service, but only by half or quarter-day items. No order for paying such account shall be issued to any superintendent for the last quarter of any year, who shall have neglected to transmit his report to the Territorial Superintendent as required by law, and who does not show the receipt of that officer for such report, stating that it is satisfactory in matter and form. Instead of such receipt he may prove that such report was sent by registered mail, and furnish his own affidavit that it was correct in matter and form.

§ 12. POWERS AND DUTIES.] The county superintendent shall have the general superintendence of the schools in his county, except those under the management of boards of education. He shall visit each common school and graded school within his county at least once in each year, and oftener if he shall deem it necessary for the purpose of increasing their usefulness, and shall strive to elevate, as far as practicable, the poorer schools to the standard of the best. At such visit he shall examine the condition of the school in all respects, the mental and moral instruction given, the order and government prevailing and the progress of the pupils in sound learning and substantial training and knowledge, the teacher's ability, fitness for the school and aptness to teach; and he shall especially observe the character of the primary instruction and advise proper methods of practice and drill, and encourage aptness in teaching this grade. He shall further advise and direct the teacher concerning the government, discipline and instruction of the pupils, and the course of study to be pursued and order of exercises to be observed; and shall adopt and urge such plans as will tend to improve the schools, and bring all as nearly as may be to the same course of study; and he shall

record, and may permit the publication of suitable notes of his inspection of each school.

§ 13. DUTIES.] The county superintendent shall encourage teachers' institutes and associations, and shall labor in every practicable way to elevate the standard of teaching, urge the continued employment of successful teachers, encourage the immigration of skilled teachers, and prevent by all proper means the employment of incompetent and inefficient teachers, and seek to make the employment of all teachers by officers a responsible public duty for the public advantage, and to be free from favor or affection and sectarian interest. In all controversies arising in the administration of the school law, including differences about schools, school funds and school townships, and all appeals from the decisions of school township boards, the opinion of the county superintendent shall be sought, whence an appeal may be taken to the Territorial Superintendent on a written statement of facts certified to by the county superintendent accompanied by the necessary papers. He shall at all times carry out and execute the decisions and instructions of the Territorial Superintendent, and shall constitute the medium between the Territorial Superintendent and subordinate school officers and teachers and schools:

Provided, That nothing in this act shall be so construed as to change or abridge the jurisdiction of any court in cases arising under the school law, nor the right of any person to bring an action in any court in any case arising thereunder.

§ 14. OFFICE ROOM, BOOKS, ETC.] The county superintendent may provide a suitable office for the transaction of his public business, and the board of county commissioners may authorize and audit accounts for such expenditures for the use and furniture of his office, as they may deem just and reasonable. He shall keep a book of record of his official acts, and safely keep all books, records and papers belonging to his office and transmit them to his successor. All books and pamphlets, circulars of information and other publications by and from the bureau of education of the United States, and all official publications of this Territory and other public documents and books relating to education officially received by him, shall be deemed public property, and at least one copy of each thereof shall be kept in his office and, with other public property and records, delivered to his successor. He shall prepare for the board of county commissioners, if not previously supplied, a correct sectional map of the county, showing the boundaries and names or numbers of all school townships, and he shall furnish a similar map each year to the county or township assessors in time to enable them to perform their duties correctly.

§ 15. MAY ADMINISTER OATHS.] The county superintendent shall have power to administer oaths of office to all subordinate school officers and to certify the same, and to witnesses, and to examine them under oath in cases of appeal, of petition, of revoking the certificate of a teacher, and in all controversies and questions arising in the administration of the school laws brought or coming before him for opinion, order, or decision, but he shall not receive additional pay for administering such oaths. Such oaths administered by him shall have the same binding force and legal effect as those authorized by chapter twenty of the Political Code, under the same conditions and penalties.

EXAMINATION OF TEACHERS.

§ 16. TEACHERS' EXAMINATION.] The county superintendent shall hold public examinations of all persons over the age of eighteen years, offering themselves as candidates as teachers of common schools, at the most suitable place in his county, on the first Tuesday of April and the last Tuesday in September of each year, notice of which shall be given publicly as possible; at which times he shall examine them by a series of written or printed questions, requiring answers in writing, so far as suitable and required by the question list furnished him by the Territorial Superintendent, and in addition thereto questions may be asked and answered orally; and if from the ratio of correct answers compared with the per cent. required by the Territorial Superintendent and the other evidences disclosed by the examination, including particularly the superintendent's knowledge and information of the candidate's successful experience, if any, the applicant is found to possess a knowledge and understanding, together with aptness to teach and govern, which will enable such applicant to teach in the common schools of the Territory, orthography, reading, writing, arithmetic, geography, English language and grammar and United States history, said superintendent shall grant to such applicant a certificate of qualification, if he is satisfied the applicant is a person of good moral character.

§ 17. GRADES OF TEACHER'S CERTIFICATE.] Such certificates shall be of three regular grades; the first grade for the term of two years, the second grade for eighteen months and the third grade for twelve months, according to the ratio of correct answers of each applicant, and other evidences of qualification appearing from the examination. In addition to these regular certificates the superintendent may grant a certificate of probation to any applicant, otherwise qualified, who shows aptness to teach and govern, who comes within ten upon each of the subjects of examination, of the standard required for a third grade certificate. Such certi-

ficate of probation shall be for the term of six months and shall be issued once only within the Territory, and shall not be repeated to any person, but all holders thereof must thereafter secure at least a third-grade certificate, or be rejected. For a certificate of the third grade or of probation the applicant is excused from examination upon United States history.

§ 18. WHO ENTITLED TO FIVE YEARS CERTIFICATE.] All persons of good moral character who are graduates of any normal school of good reputation, in the United States, shall, upon presentation of their certificate of graduation or of the completion of a teacher's course, or regular diploma from such school, be granted a certificate by the superintendent of public instruction for the term of five years, which shall be known as a professional certificate,

Provided, Such application is made within three years after the date of such diploma or certificate, or, if after that period, the applicant presents evidence that he has taught school regularly for not less than six months in the three years preceding such application.

§ 19. QUALIFIED TEACHERS. CERTIFICATES VALID FOR WHAT TIME.] Any person over the age of eighteen years securing and holding any such certificate is a qualified teacher within the meaning of this act, and no person shall be employed to teach in any of the common schools of the Territory unless such person shall hold and present a certificate issued from the proper Territorial or county authority and in full force at the date of the employment; and any teacher who shall commence teaching any such school without a certificate then in force shall forfeit all claim to compensation out of the public school fund or revenue for the time he or she so teaches without such certificate; and if a teacher's certificate shall expire by its own limitation within six weeks of a close of a term of employment, such expiration shall not have the effect to stop the school or stop the teacher's pay, but both may lawfully continue to the close of such term. All school officers are prohibited from making contracts employing persons to teach not known to them to be qualified as in this section provided, and all such contracts made with those not so qualified are null and void. The certificates issued by a county superintendent shall be valid only within the county where issued, except a first grade certificate which shows on its face that it is issued the second term upon regular examination, which shall be valid throughout the Territory.

§ 20. FEE FOR CERTIFICATE. INSTITUTE FUND.] Every applicant for a certificate shall pay one dollar to the county superintendent, and persons applying at any other time than at regular

examinations must show satisfactory reasons for not attending them, and pay the sum of two dollars additional for the superintendent's time and services in making the special examination. All money received from the one dollar payments shall constitute an institute fund for the county, and shall be paid out by the county superintendent to employ competent conductors and to pay other necessary expenses of teachers' institutes to be held within the county. This fund shall be used whenever it amounts to sixty dollars or more, and may be so used more often; and at the end of each year the county superintendent shall submit a full and accurate statement of the receipts and disbursements of this fund, verified by his oath, to the board of county commissioners.

§ 21. REVOCATION OF CERTIFICATE.] The county superintendent is authorized and required to revoke and annul at any time a certificate granted by him or his predecessors, or by any other county superintendent, and at the time in effect and use in his county, while in force, for any cause which would have authorized or required him or them to refuse to grant it if known at the time it was granted, and for incompetency, immorality, intemperance, crime against the Territorial law, cruelty, or general neglect of the business of the school; and the revocation of the certificate shall terminate the employment of such teacher in the school where he or she may be at the time employed, but the teacher must be paid up the time of receiving notice of such revocation. The superintendent must immediately notify the clerk of the school corporation where the teacher is employed and may notify the teacher through the clerk of such revocation, and must enter his action in such case of record in the books of his office.

§ 22. SAME.] In proceedings to revoke a certificate the county superintendent may act upon his personal knowledge, or upon competent evidence obtained from others. In the latter case action shall be taken only after fair hearing, and the teacher must be notified of the change and given an opportunity to make a defense at some time and place stated in such notice. Upon his own knowledge the superintendent may act immediately without notice. When any certificate is revoked the teacher shall return it to the superintendent; but if the teacher refuse or neglect so to do, the superintendent may issue notice of such revocation by publication in some newspaper printed or largely circulated in the county.

SCHOOL TOWNSHIPS.

§ 23. ORGANIZATION OF SCHOOL TOWNSHIPS.] School townships may be organized in any county whether townships are organized for civil purposes or not. But when organized both as school townships and civil townships the boundaries and name shall be

the same for both purposes. Where civil townships are now organized the school townships may also be organized with the same boundaries and name. Both may be organized at the same time, or either first and the other afterwards. This act, except wherein otherwise specifically declared, shall apply to and govern school townships only when organized as distinct municipal corporations for school purposes, as declared in section 2 of this act. When organized as school townships they shall be known in law and in all transactions whatever under the proper name and style of each as a school township, as, "..... school township of .... county, Territory of Dakota."

§ 24. COMMISSIONERS TO DIVIDE COUNTY.] The board of county commissioners of each county shall, before the first day of June, 1883, proceed to divide the county into school townships (except when already divided into civil townships,) fix and determine the boundaries thereof, and number the same, and in so doing shall have regard for natural boundaries, but the number of school townships shall not exceed the number of congressional townships or fractional parts thereof greater than one-half, in any county. The board of county commissioners shall in the performance of their duty, call to their aid and counsel the county superintendent of public schools, and, if a different person, may call before them also the predecessor of that officer for his or her testimony and advice, and hear any citizens who are interested or who are well informed of the topography and settlement of the county. And the county superintendent shall prepare and present before them a carefully prepared map of the county which shall show the boundaries of all school districts and other school corporations in the county, the location of all rivers, lakes and marshes or other topography that would affect school travel; the location of all railroads built or under construction, and of all cities, towns and villages; and shall carefully locate thereon every school house of the value of one hundred dollars or more.

§ 25. SAME.] After carefully weighing all these facts, and having regard thereto, the board shall so divide the county into school townships as will best subserve and promote the permanent interests and welfare of the public schools in the whole county, so that not less than four primary schools may be in one school township when settled, and so that the township shall have when settled sufficient area and population and number of schools to furnish opportunity of choice between schools and to support a more advanced graded school from the patrons of all. To secure these ends they may include as many as four congressional townships or parts thereof in one school township. The board of commissioners may change the boundaries of these school townships the same as may be provided by law for changing the boundaries

of civil townships; and a change of boundary for one purpose changes it also for the other, and the boundaries and limits as well as the name shall be and remain the same for school purposes, and for civil and political purposes.

§ 26. NAME OF SCHOOL TOWNSHIP.] The school townships so formed and bounded shall be known by the number given to each by the county board until a name is adopted, and at the first township meeting the electors of each school township shall choose by ballot a name for their respective township to be substituted in lieu of the number fixed by the county board, which shall be recognized by such board and entered upon their records, after which such township shall be known and designated in law and all business by the name so elected; and should the electors of any school township fail to choose a name, as provided, the county board shall select one, and so record it, and notify the school township.

§ 27. COUNTY CLERK TO TRANSMIT PLAT.] The county clerk shall, within thirty days after the first school township election held as herein provided, transmit to the Territorial Auditor a plat of the county showing the boundaries and name of each school township therein, and shall record a copy of the same, together with all the proceedings of the county board had and done under this act, in a proper book to be kept for that purpose

§ 28. IF TWO NAMES ARE ALIKE.] If the auditor, on comparing the report with those previously received, finds that any two or more, whether school or civil townships, have the same name, he shall transmit to the county the report of which was last received, the name of the township to be altered, and the county board shall at their next meeting thereafter adopt for such school township a new name different from all those theretofore adopted, so that no two townships, civil or school, shall have the same name, and when such name is adopted the county clerk shall inform the auditor thereof, and note the same in the proper county record.

§ 29. CIVIL TOWNSHIPS TO BECOME SCHOOL TOWNSHIPS, WHEN.] All civil townships now organized shall become school townships by the election and qualification of the officers thereof as hereinafter provided; but before they are so organized and before the first day of June, 1883, the board of county commissioners of the county in which they are organized shall carefully reconsider the boundaries, area and situation thereof, in all respects as provided herein for dividing a county into school townships, and shall so far as necessary change and rearrange the boundaries thereof so as to render the townships suitable and convenient for school purposes as well as for civil purposes, and they may, to this end, discontinue and consolidate townships and otherwise suitably rear-

range and fix anew their boundaries and limits. If any township be discontinued the county clerk shall report the fact and the name thereof to the auditor.

§ 30. OFFICERS OF SCHOOL TOWNSHIP.] The officers of every school township shall be a director, clerk and treasurer, who shall be qualified electors of the county and residents of the township, and shall each be elected to serve for the term of three years and until his successor is elected and qualified, except in the organization of school townships they shall be elected for parts of such term, and so that the term of the first treasurer shall expire on the 30th day of June, 1884, or 1887, or in terms of three years thereafter, and the term of the first clerk shall expire on the 30th day of June, 1885, or 1888, or in terms of three years thereafter, and the term of the first director shall expire on the 30th day of June, 1886, or 1889, or in terms of three years thereafter, in order that the terms of all officers of each kind in the Territory shall expire in the same year, and one of the three officers shall retire, one be chosen annually.

§ 31. ELECTION IN SCHOOL TOWNSHIP.] An election shall be held in every school township upon the Tuesday before the last Saturday in June, in the year 1884, and each year thereafter, at which such officers shall be elected as are by law to be chosen, and such other questions may be voted upon at such election as may be submitted in pursuance of law. There shall be but one poll in each school township for such election, and the director and treasurer thereof, with one other person, being an elector, chosen by the voters present at the opening of the poll, shall act as judges of election, and the school township clerk and the clerk of the civil township shall act as clerks of election, and if there be no civil township clerk, or if any of the judges or clerks be absent or fail to act, such qualified electors of the township as may be present at the place of voting, shall fill the vacancies by vote upon motion then made, and the persons so chosen, being qualified electors of the township, shall serve. The officers of the township shall serve under their oaths of office, and one of them shall administer the oath required by law to the persons so chosen to act as judges or clerks. In the absence of all such officers the oath to one or more of the judges shall be administered by some person authorized by law to administer oaths, and the oath to the other judges and the clerks may be administered by a judge so sworn. The polls shall close at four o'clock, P. M., and the ballots shall be immediately counted and the votes canvassed. The elections shall be held and conducted in the manner prescribed by the statutes of the Territory providing for and governing general elections, except as in this act provided, and the votes shall be canvassed as provided by

general law, and the results shall be certified and returned both to the clerk of the school township and to the county clerk, and to the clerk of the school township the ballot box and ballots shall be returned. The certified return to the county clerk must be upon one of the regular poll books.

§ 32. FIRST ELECTION—PROCEDURE.] The first election held in any school township already organized as a civil township shall be held by the officers of the civil township as provided by law for elections in civil townships, and the officers thereof shall make the returns as provided in that law, and the clerk of the civil township shall immediately transmit to each person elected a certificate of his election. In school townships not organized as civil townships the county officers shall give the notices of the first election and appoint the election officers for each poll, the same as required by the general election law; and the sheriff shall serve the papers and with the county clerk do all other duties and make all provisions for the election as provided for general elections. The returns shall be made as above required to the county clerk, and the other returns shall be made to the school township clerk after his qualification, and the election board shall in each case immediately make and transmit to the person having the highest number of votes for each office, a certificate of his election to the office (naming it) signed by at least two judges and one clerk of election.

§ 33. CERTIFICATES OF ELECTION.] In all elections after the first in school townships, the school clerk shall within three days after the canvass of the votes as hereinbefore provided, sign and transmit to each person elected to any office in the school township, a certificate of his election to the office, naming it fully. In the first election the school clerk shall immediately after he qualifies certify to the county clerk the name chosen for the township.

§ 34. VACANCIES.] When any vacancy occurs in any office of a school township, by death, resignation, ceasing to be a resident of the township, or otherwise, the fact of such vacancy shall be immediately certified to the county superintendent by the clerk of the school township, or if that be the vacant office, by the director, or if two offices become vacant at the same time, by the remaining officer, and the county superintendent shall immediately appoint in writing some qualified elector of the school township who shall qualify and serve until the next annual election of the school township, when a successor shall be chosen for the unexpired term if any, or for the succeeding term. The county superintendent shall at the same time notify in writing the county clerk and the clerk of the school township of every such appointment.

QUALIFICATIONS OF OFFICERS.

§ 35. TREASURER—QUALIFICATIONS OF.] The treasurer of every school township shall, before entering upon duty as such, give bond to such corporation conditioned that he will faithfully and impartially discharge the duties of his office (naming it fully,) and render a true account of all moneys, credits, accounts and property of every kind that shall come into his hands as such treasurer, and pay and deliver the same according to law. Such bond shall be in a penal sum equal to double the amount of money, as near as can be ascertained, to come into his hands as such treasurer in any one year, and shall have two or more sufficient sureties, to be approved by the director and clerk of the township. In case the director or clerk, or either of them, neglect or refuse to approve such bond and the sureties thereto, such treasurer may present the same to the county superintendent or the judge of the probate court or the clerk of the district court of the county, and serve notice thereof upon the director and clerk or the one thereof who refused or neglected to approve the bond; and due proof of such service being made to the officer to whom the bond is presented for approval, he shall, unless good cause for delay appear, proceed to hear and determine the sufficiency of the bond and sureties thereto, and may approve the same, and such approval shall be in all respects valid.

§ 36. ADDITIONAL BOND FROM TREASURER.] The director and clerk, or the county superintendent, may at any time require a new and additional bond from such treasurer, and shall require a new or additional bond whenever the amount of money to come into the hands of such treasurer shall be equal to three-quarters of the penal sum of such bond, or upon the failure, death or removal from the county of any of the sureties, or for other sufficient reason.

§ 37. FORFEITURE OF BOND.] All such bonds shall be filed with the county clerk, and in case of the breach of any condition thereof, the director (and in case of his failure or refusal so to do, the county superintendent) shall cause an action to be commenced and prosecuted thereon in the corporate name of the school township, and any money collected shall be paid into the county treasury to be applied to the use of schools as part of the special fund of the said township. If such director and county superintendent both fail or refuse to bring such action upon the breach of the bond, then any taxpayer of the township may cause such action to be commenced and prosecuted; and the necessary expense of such action shall be paid, unless otherwise ordered by the court, out of the special fund of the township.

§ 38. OATH OF TREASURER.] Each treasurer shall take and

subscribe on the back of his bond or a paper attached thereto, to be certified by the officer administering it, an oath that he will faithfully and impartially perform all the duties of his office (naming it fully) as provided by the condition of his bond written within.

§ 39. OATH OF SCHOOL OFFICER.] Every director and clerk of a school township, shall, before entering upon his duties, take and subscribe, upon the back of his certificate of election or appointment, or upon paper attached thereto, an oath that he will faithfully and impartially perform all the duties of his office (naming it fully,) which oath shall be filed with the county clerk.

§ 40. AFFIRMATION.] Any person who is conscientiously scrupulous of taking an oath may be allowed to make affirmation, adding at the end thereof the following: "This I do affirm under the pains and penalties of perjury."

§ 41. PENALTY FOR REFUSAL TO QUALIFY.] Every person duly elected to the office of director, clerk or treasurer of any school township, who shall willfully neglect or refuse, for the period of one month after his election, without sufficient cause, to accept and qualify for such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this act, shall forfeit the sum of twenty-five dollars to the special school fund of his township, which amount may be recovered from him in a civil action before any justice of the peace in the county, at the suit of any officer or taxpayer of his district or township.

§ 42. PROCEEDINGS TO RECOVER MONEYS.] If any person shall refuse or neglect to pay over any money in his hands as treasurer of a school township to his successor in office, such successor must without delay bring action upon the official bond of such treasurer for the recovery of such money.

POWERS AND DUTIES OF THE BOARD.

§ 43. GENERAL POWERS.] The school board of the township shall exercise its corporate powers, and shall have charge and direction of the public schools and their affairs therein, and the control and management of its schools and all school property belonging to it, both real and personal, and in the discharge of these duties they shall have power:

1. SHALL PROVIDE SCHOOL HOUSE.] To purchase, sell, exchange and hire school houses and rooms, lots or sites for school houses, and to fence and improve them as may be suitable and proper; but they shall erect or purchase no school house upon leased ground.

2. SAME.] Upon such sites or lots as are now owned by school districts, and upon others purchased or taken according to law, to build, enlarge, alter, improve and repair school houses, out-houses, and appurtenances as to them may seem advisable and necessary.

3. HAVE CUSTODY OF SCHOOL PROPERTY.] To have the custody and safe keeping of the school houses, out-houses, books, furniture, appurtenances, library, and other school property of the township, and to see that all laws of the Territory and the rules, regulations or ordinances of any town, village or township relating thereto are properly observed and enforced.

4. HAVE POWER TO ESTABLISH SCHOOLS.] To organize, locate and establish conveniently such and a sufficient number of schools as are necessary for the education of all the children of school age within the township, and to discontinue or change any of them.

5. EMPLOY TEACHERS.] To contract with and employ all teachers in said schools.

6. PAY TEACHERS.] To pay the wages of such teachers out of the moneys apportioned and provided by law for the purpose of public common schools in the township.

7. PAY CONTINGENT EXPENSES.] To defray the necessary contingent expenses of the schools, of the board, and other expenses for school journals and publications and for Webster's Unabridged Dictionary for each school, which they are authorized to purchase.

8. ADOPT RULES.] To have in all respects a proper supervision and management of the common or public schools of the township, to make and adopt rules and regulations for their organization, grading, government and efficient instruction, and for the reception of pupils not residents of the township, or the transfer of pupils from one school to another, and generally for their good order, prosperity and utility; and to prescribe and adopt the text books that shall be used in the schools.

9. PREPARE REPORTS.] To prepare and forward the reports required by law and perform all required duties concerning them.

10. MAKE RULES FOR CARE OF SCHOOL PROPERTY.] To make such rules as may be necessary and proper for the protection, safe keeping, care and preservation of school houses, lots, sites, appurtenances, books and all other school property.

11. PROCURE BOOKS, &C.] To purchase, sell, exchange, improve and repair school apparatus, books for needy pupils, furniture, and appendages for the school house, and to provide fuel for the schools; and, if they deem it advisable, to purchase class and text books and stationery and other necessary articles required by

pupils in their school work, and sell and rent them to the pupils in the schools under their control and management.

12. GRADED SCHOOLS.] They shall also have power as hereinafter provided, to establish, maintain and control graded schools, or such modified graded schools as may be practicable, and provide for the instruction therein of pupils from the primary schools of the township who are sufficiently advanced.

13. TWO ROOM SCHOOL HOUSES.] They may locate and build one school house at some convenient and accessible point in the township which shall have two school rooms, and in one of these may be held a regular primary common school, and in the other shall be taught a more advanced school to which shall be admitted all such pupils in the township as are properly advanced in their studies to enter the same. When the township is of larger area than a congressional township they may so locate and build two or more such school houses, and open and maintain such an advanced school in each. This they may do upon their own motion and without the special authority required for regular graded schools.

§ 44. SCHOOL HOUSES TO BE NUMBERED.] All the school houses in a township shall be numbered by the board from one upward, and record shall be made of such numbers and thereafter the school houses and schools shall be known and referred to in all matters and in contracts with teachers, and in the minutes and proceedings of the board by this number, so assigned and recorded, which numbers shall be the same for school houses and schools therein, and when more than one school is held in one house they shall be otherwise distinguished by their grade.

§ 45. TIME SCHOOLS SHALL BE TAUGHT.] All the schools in a township shall be taught an equal length of time, as nearly as the same can practically be done, without regard to the diversity in the number of pupils attending the different schools, or in their ages or advancement in learning or the cost of the school. The school board of the township shall not apportion money among the several schools to be there expended, but must manage and disburse the funds for the equal good of all, making the schools equal in value and time, if not in cost.

§ 46. TAXES, RATE OF, ETC.] The school board of the township shall have power to levy upon all the property subject to taxation in the township a tax for school purposes of all kinds, authorized by law, not exceeding a rate of three per cent., or thirty mills on the dollar, in any one year. Such tax shall be levied by resolution of the board prior to the 30th day of June in each year, and no tax shall be levied except by an affirmative vote of ten or more members of the board, and the resolution to levy the tax

and vote thereon shall be entered in the record of the proceedings of the board. The clerk shall immediately thereafter notify in writing the county clerk of the rate of the tax so levied. The notice shall be in substantially the following form:

Office of the Clerk of ..... School Township,
..... County, Dakota Territory,
....., 188..

To the County Clerk of ..... County, Dakota Territory, Sir: You are hereby notified that the school board of ..... school township has levied a tax of ..... mills upon the dollar of valuation of all real and personal property in said school township for school purposes, and you will duly enter and extend such tax upon the county tax lists for collection upon the taxable property in this school township for the current year. The notice of a tax to pay any judgment against the township shall be in addition to the regular tax, and shall be certified to the county clerk under the same general form suitably changed. The county clerk shall make out, charge and extend upon the tax lists against each description of real property and against all personal property, and upon all taxable property of the township, such township school taxes as he is so notified have been levied by the township in which the property is situated and taxable, in the same manner in which the county and territorial tax list is prepared, and deliver it to the county treasurer at the same time.

§ 47. TAXES TO BE UNIFORM.] All taxes for school purposes shall be uniform within and upon the property in each school township and all funds shall be kept and paid by the school treasurer, and he shall keep one general account for the whole township for the entire receipts and expenditures and separate itemized accounts as hereinafter provided for each class of receipts and expenses. His books shall at all times show by entries under proper heads all receipts of funds and payments thereof and enable any person readily to ascertain any balance in any account.

§ 48. TOWNSHIP BOARD TO PROVIDE BOOKS AND HOLD MEETINGS.] The township board shall provide for the treasurer and clerk proper and suitable books of record and account, and such stationery and blanks as may be actually necessary in their duties and the same shall be paid for out of the special school fund of the township. The township board shall hold a meeting once in every calendar month, and at a stated time and place so as to accommodate those having business with them, and may hold stated or special meetings more frequently by resolution of the board, or any member of the board may call such special meeting by giving or sending in writing twenty-four hours notice thereof to the other members. And all meetings of the board shall be public, and all matters requiring the action, decision or order of the school board

shall be acted upon at a meeting of the board when two or more of the members are present, and a record shall at the time be made by the clerk, or in his absence by the director, in the record book, to be kept by the clerk, of all motions, orders, decisions, directions and other proceedings of the board; and no action shall be legal and valid that does not receive the votes of two members of the board. When no resolution of the board declares otherwise the stated monthly meetings will be held at the house of the clerk on the first Saturday in each month, at the hour of seven o'clock, P. M. When assembled in any meeting, stated or special, they may transact any lawful business of the school township.

SCHOOL MONEYS AND FUNDS.

§ 49. FUNDS, HOW DESIGNATED.] All money received by the school township from township taxes, from subscription, donation, sale of property, penalties or any other source whatever, except from apportionment by the county or Territory, shall be called the special school fund; and all moneys apportioned by the county superintendent from the county school fund, or from the Territory of the United States, shall be called the tuition fund. The treasurer shall keep one general account wherein shall be set down upon the debit side all the money he shall receive as such treasurer from all sources whatever, each item of entry showing plainly the source of the particular payment to him, with the date thereof; and he shall set down upon the credit side all the money he shall pay out for all purposes whatever, each item thereof showing to whom and for what purpose each payment was made, with the date thereof. The total of the debit side shall always be balanced by the total of the credit side, with the funds on hand added thereto. At the beginning of every school year he shall open such accounts anew for that year, and the first item shall be an entry on the debit side of the balance on hand, if any, from the preceding year.

TREASURER'S ACCOUNTS, HOW KEPT.] He shall also keep a separate set of accounts of different classes of receipts and expenditures, showing severally the following:

RECEIPTS.

The amount received into the special fund from all sources.
The amount received by apportionment.
The amount received from sale of bonds.
The amount received from all other sources.

EXPENDITURES.

The amount paid for school houses, sites, furniture and appendages.

The amount paid for teachers' wages.
The amount paid for incidental expenses.
The amount paid as interest on bonds.
The amount paid upon debts and liabilities not included in other items.

These several accounts shall be separately kept and are not required to balance, but the accounts for different classes of receipts shall be kept separately from the accounts of the different classes of expenditures, but every entry in each shall fully and clearly designate its source or purpose, with the date.

§ 50. WARRANTS, HOW SIGNED, &C.] The clerk shall draw and sign all warrants for the payment of money for any purpose legally ordered by the board, whether for the regular school purposes of the township, to pay judgments or other authorized payments, except principal and interest on bonds, which shall be paid on presentation of the coupons and bonds as when provided for them. The director shall sign all such warrants, and they shall be paid by the treasurer in the order of their presentation, and when presented, so long as there is any money whatever in the treasury, except money raised and necessary to pay interest on bonds or the principal of bonds, for which purposes sufficient funds shall always be reserved and so applied. Every warrant shall specify the purpose for which the money is paid, and the person, firm or corporation to whom paid. In case the treasurer has no money applicable to the payment of the warrant he shall indorse it, "presented this ..... and not paid, for want of funds," inserting the date of presentment in the blank, and sign the endorsement, and if he has money to pay a portion of the amount he shall pay so much of the warrant, and shall indorse thereon the date and amount paid and add "the balance not paid, for want of funds," and sign the same, and interest at eight per cent. per annum shall accrue upon the amount unpaid of all warrants substantially so indorsed, from the date of such indorsement.

§ 51. PAYMENT OF WARRANTS.] A memorandum shall be made and kept by the treasurer of all such indorsements and of the name and postoffice address of the then holder of the warrant, and whenever sufficient money is received in the treasury to pay these warrants or any one of them, the treasurer shall immediately notify by letter, postage paid, such holder thereof, and interest shall cease on such warrant at the end of seven days after such notice is sent. The treasurer shall reserve and use a sufficient amount of money to pay all such endorsed warrants, from the first money received thereafter for any purpose, except money received or held to pay interest and principal on bonds.

§ 52. SCHOOL TAX.] The county clerk of each county shall,

at the time of making the annual assessment and levy of taxes, levy a tax of one dollar on each elector in the county for the support of common schools, and a further tax of two mills on the dollar upon all the taxable property in the county, to be applied to the same purpose, to be collected at the same time and in the same manner as prescribed by law for the collection of taxes, which taxes when collected shall be distributed to the several school corporations in the county in proportion to the number of children resident in the Territory of each, over seven and under twenty years.

§ 53. CERTAIN FUNDS TO BE APPLIED TO SCHOOLS.] All fines, forfeitures and pecuniary penalties, prescribed as a punishment for crime, and collected under the general codes, laws and acts of the Territory; and all money paid into the county treasury for licenses to sell intoxicating liquors; all moneys received by the county as proceeds from the sale of estrays; and all money paid as an equivalent for or as an exemption from military duty, and all moneys due the county for school purposes, in any manner or from any source, shall be faithfully collected by the county treasurer, and shall when collected be paid into the treasury of the proper county and be added to the funds provided in the preceding section for the support of schools, and be distributed at the same time as therein provided.

§ 54. COUNTY TREASURER TO MAKE PAYMENT.] All money received under the two preceding sections, by tax or from other sources, shall constitute the county general tuition fund; and the county treasurer shall, on the first Mondays in January, April, July and October in each year, furnish the county superintendent of public schools with a statement of all the money in the county treasury belonging to this fund, and he shall pay the same upon the order of the said superintendent to the treasurers of the respective public school corporations in the county.

§ 55. APPORTIONMENT OF SCHOOL FUNDS.] The county superintendent shall, as soon as he receives the statement of the county treasurer, provided for in the preceding section, apportion such amounts to the several public school corporations within the county in proportion to the number of children residing in each over seven and under twenty years of age, as the same shall appear from the last annual reports thereof, and he shall immediately notify by mail, or otherwise, in writing, each school treasurer of the amount of money due his school corporation, and he shall draw his orders upon the county treasurer in favor of the several school treasurers aforesaid for the amount so apportioned to each school corporation, and he shall deliver said orders to said treasurers upon their application, taking their receipt therefor.

§ 56. ORDER FOR MONEY NOT TO BE DELIVERED, WHEN.] The county superintendent shall not deliver said order for money so apportioned to any treasurer unless the bond and oath of such treasurer, duly approved and certified, are on file in the office of the county clerk, or, in case of boards of education, a certificate from the secretary or clerk of the board that the treasurer thereof has duly qualified.

§ 57. DUTY OF COUNTY TREASURER TO COLLECT TAXES.] It shall be the duty of the county treasurer to collect the taxes for school purposes at the same time and in the same manner that the county and territorial taxes are collected; and full power is hereby given him to sell the property, or any property, for school taxes, the same as is now by law provided for other taxes; and he shall execute a tax deed upon tax sales of property made for school taxes the same as is provided in the case of other taxes, and he shall receive the same fees as is provided in case of other taxes. He shall collect all delinquent school taxes as by law provided for other taxes, and he shall pay the same over to the school treasurer entitled thereto, less his fees and cost of collecting; and if any county treasurer shall refuse to deliver over on the order of the superintendent any money in his possession, or shall use, or permit to be used, for any other purposes than are specified in this act, any school money in his possession, he shall, on conviction thereof be adjudged guilty of a misdemeanor, and punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year.

§ 58. REFUNDING TAXES IMPROPERLY COLLECTED.] Whenever any error may be discovered in any school tax or tax list the township school board may order any money so improperly collected to be refunded, and nothing in this act shall prevent or limit the power of any board of county commissioners, or any mayor and council of any city, or president and trustees of any town or village to exercise all the powers given them by law to equalize tax lists, correct errors and refund any tax or abate any part thereof.

§ 59. CITY SCHOOLS ENTITLED TO PROPORTION OF SCHOOL FUNDS.] The public schools of every city, town or village which may be regulated by special law in the charter thereof, or by other special acts, or by any general act, providing boards of education therefor, shall be entitled to recive their proportion of the county general tuition fund:

Provided, That the clerk or secretary of the board of education thereof shall make report to the county superintendent of the census of children of school age therein, at the time and in the manner prescribed in this act for other school corporations.

§ 60. MONEYS DONATED, HOW DISPOSED OF.] Whenever any sum of money shall be paid into the county treasury by an educational aid society, or benevolent person or persons for the cause of education, the county treasurer shall issue to such society or person a certificate of deposit, stating the amount of money received, from what source, and for what purpose the same is applied, whether to the payment of teachers' wages, the building or leasing of school houses or the purchase of a site, and the particular school corporation or corporations to which said money is donated; and the said educational fund may thereafter be drawn from the county treasurer by order of the county superintendent of schools and applied by the school board of the proper corporation to the object specified in the certificate of donation. Any school corporation may accept and receive such donations directly, and accurate account shall be made of all such funds by the officers or corporations that handle or use them.

§ 61. LIABILITY FOR MONEY LOST.] If by neglect of any treasurer any school money shall be lost to any school township which has been received from the county treasurer, such school treasurer shall refund and pay to such township the full amount of money so lost.

§ 62. QUARTERLY PAYMENTS OF SCHOOL FUNDS.] The treasurer of each school township shall apply for and the county treasurer shall pay over to him all of the school money collected for such township, when notified by the county clerk, in writing, that such school treasurer has qualified and filed his oath and bond as provided by law. But one such notice of qualification is required during the term of each school treasurer, and when a new one is appointed for any reason, or the incumbent has become disqualified, the clerk of the proper school board and the county superintendent, shall so inform the county clerk, who shall also inform the county treasurer. Such payments shall be made four times per year, of the amount on hand as reported by the treasurer. Any person who so draws school money from the county treasury who is not at the time a duly qualified treasurer of the school corporation for which he draws the money, and authorized to act as such, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not less that twenty-five dollars and not more than double the amount of the money so drawn if beyond twenty-five dollars, which fine shall, when collected, be paid into the special school fund of the township for which the money was unlawfully drawn.

§ 63. WHEN TREASURER GUILTY OF EMBEZZLEMENT.] Every treasurer of a school township who shall loan any portion of the money in his hands belonging to such township, whether for consideration or not, or who shall expend any portion thereof for his

own or any other person's private use, is guilty of embezzlement, and shall upon conviction be punished as provided by law. And no treasurer of a school township shall pay over or deliver the school money in his hands to any officer or person, or to any committee to be expended by him or them, but all public school fund, shall be paid out only by the proper treasurer as herein before provided.

TOWNSHIP SCHOOLS.

§ 64. CENSUS OF SCHOOL CHILDREN.] The clerk of every school township and every board of education and school corporation shall make or cause to be made, each year, an enumeration of all the children who are residents within the limits of the corporation on the first day of June, who are over seven and under twenty years of age, but shall exclude from such enumeration all such persons who are married. The clerk of the school township, in making such enumeration shall first, in a column, list the names of parents, guardians or heads of families, having charge of such child or children, but only one in each case—first the father, if living, then the mother, if he is not living, and the same in other cases. Opposite each name in appropriate columns, he shall enter the names of all the children in charge of the person so named, the males in one column and the females in another column. Upon taking the first enumeration he shall ask each person so having children in charge to which school he or she desires to be attached within the township, and the school selected shall be set down by its number in a proper column. All such persons so selecting a particular school shall be considered as forming and belonging to the particular school so selected, and they shall not be allowed to attach themselves to any other school without permission of the township board, upon showing cause for the change. At subsequent enumerations the same inquiry shall be made of the parent, guardian, or other person having charge of children, whose residence has been changed or whose child or children have become subject to enumeration since the last enumeration; and in case of change in the location of a school, or of a new and additional school house, in the township, the enumerator shall make the same inquiry and note the selection of all persons whose school conveniences or advantages have been affected by any such change.

§ 65. SCHOOL DISTRICTS ABOLISHED.] There shall be no districts or sub-districts or any Territorial sub-divisions of a school township, but the only division shall be this of the people, and persons of school age, among and between the several schools, as patrons thereof, and these shall be based, so far as is convenient and practicable, upon the free choice of the parent, guardian, or

other person having in charge the children of school age. And the township board shall permit changes from one school to another of any such persons, and their families, being school children, for reasonable cause, based upon convenience or the advantage of the pupil. But the township board may upon the recommendation of the moderator or other evidence, transfer any pupil, or all the pupils, in any family, from one school to another in order to improve the discipline, the advantages or the classification of pupils or schools, and may so change a part or all the children from any family, but they shall take care to wrong no one in so doing, but shall take all such action with care, for good cause, and after due consideration.

§ 66. WHO TO BE VOTERS, ETC.] The persons so selecting and listed as belonging to and forming a particular school, who are parents, guardians or other persons having in charge children of school age, shall be the voters at the school meeting, and such voters or patrons of a school, and the children belonging to the school, shall be known as a school under the number assigned it by the school board of the township, and for convenience are so referred to in this act; and may be so referred to and designated in all contracts, records, notices and other acts and proceedings, as school house No. —, school No. —, meeting of school No. —, and like designation in all cases. All persons who are included within the definition of voters at such meetings, men and women alike, are and shall be recognized as voters therein.

§ 67. ANNUAL MEETING. PROCEEDINGS.] The voters so defined and qualified and belonging to a particular school, shall meet annually on the last Saturday in August, and elect one of their number moderator of such school, who shall before entering upon duty take and subscribe an oath faithfully to discharge the same, which shall be certified by the officer administering it, and shall be filed with the clerk of the school township within ten days after the election, which oath and filing shall be the notice to the township school board of the election of such person as moderator. In case of failure to elect such moderator or of the moderator to qualify and give notice, or in case of a vacancy in the office of moderator for any cause, the township school board shall forthwith appoint a moderator for said school; but any moderator so appointed may be removed and another appointed in his place upon a petition of more than one-half of the persons so entitled to vote at the school meetings thereof. Upon the organization of a township for school purposes and the enumeration for each school, and upon the location of a new and additional school, the township school board shall call and give ten days notice of a special meeting for each school at which said voters shall elect a moderator to hold until the next annual school meeting and ten days thereafter,

unless the new moderator shall qualify before that time, and all moderators whether elected or appointed in any such way or for any term shall within ten days quality as above provided. The moderator of each school shall preside at all meetings of the voters connected therewith and record their proceedings; he shall also act as the organ of communication between the inhabitants and voters and the school board of the township. In the absence of the moderator or when he declines to preside, any voter at the school meeting may on motion be chosen to preside, and may perform all the duties of the moderator, if necessary, in the execution of the directions of the meeting. The moderator shall take charge of the school house and all property belonging thereto, under the general direction of and in concurrence with the school board of the township, and preserve the same, and shall make all temporary repairs of the school house, furniture, fixtures, fences and out-houses, and provide the necessary fuel for the school, and report the cost thereof to the school clerk of the township for payment by order of the township school board. He shall visit and inspect the school from time to time, and when necessary may exclude any refractory pupil therefrom; but the exclusion of any pupil from the school for disorderly conduct shall not extend beyond two months and may in the discretion of the moderator be for any shorter period. If a pupil be incorrigible the teacher may suspend the pupil from school for not more than five school days, but the fact must be reported to the moderator with the reasons therefor within two days after such suspension, whereupon the moderator must decide and order what further action shall be taken, and he may order the pupil to be restored, reprimanded, punished or excluded as above provided. The decision of the moderator in excluding a pupil from school shall be subject to appeal to the township school board, whose decision must be given within ten days after notice in writing to the school clerk of such appeal and their decision shall be final.

§ 68. POWERS OF ANNUAL SCHOOL MEETING.] The voters at school meetings as above defined may hold other school meetings at any time upon the call of the moderator or any five voters. Ten days notice shall be given of all meetings by posting notices thereof in three of the most public places in the vicinity, and the moderator shall cause timely notice to be given of the annual meeting; but no meeting shall be illegal for want of such notice in the absence of fraud, and the legality of such meetings and their proceedings, if called in question, shall be determined by the school board of the township, subject to an appeal to the county superintendent whose decision shall be final. All such school meetings shall have power:

1. BRANCHES TAUGHT.] To determine, what if any, branches in addition to those required by law for common schools, they desire shall be taught in such school, and the time at which such school shall begin and be taught;

Provided, That all the tuition fund appropriated to the township shall be expended within the school year for which it is apportioned, and for all the schools thereof.

2. FILL VACANCIES.] To fill vacancies that may occur in the office of moderator or elect another in place of one appointed.

3. REPAIR SCHOOL HOUSES.] To direct such repairs as they may deem necessary in their school house and in its furniture and apparatus, and other belongings.

4. MAY PETITION.] To petition the township school board for the removal of their school house to a more convenient location, for the sale of the school house and lands therewith belonging, and for the erection of a new one, and upon any other subject connected therewith.

5. MAY PROTEST AGAINST TEACHER.] To protest against the employment of any particular teacher, and the township board shall not employ for that school any teacher whom the meeting decides they do not wish employed. And at any time after the commencement of any school, if any meeting, or if a majority of the voters belonging to such school, petition and ask the dismissal of the teacher, the township school board may dismiss such teacher, but only upon due notice and after good cause shown; and such teacher, if not otherwise lawfully debarred, shall be entitled to pay for services rendered.

§ 69. ESTIMATE TO BE FURNISHED.] When such meetings shall so petition the township school board in regard to repairs, removal or erection of a school house, they shall also furnish to such board an estimate as near as practicable of the probable cost of such repair, removal or erection. And such school board shall consider the petitions from all the school meetings and voters thereof in the township, and have a careful regard for the need of new and additional school houses; and nothing herein contained shall prevent the board from exercising a sound discretion as to the propriety or expediency of making such repairs, removals or erections. The board shall in all expenditures and contracts have reference to the amount of moneys which shall be subject to their order during the current school year, for the particular expenditures in question; and shall particularly expend for teachers' wages each year all that is apportioned to the township for that purpose, and in all things faithfully endeavor to give equal school advantages, terms and accommodations, as near as may be practicable, to all the school children of the township; and they shall build proper pub-

lic school houses for each school as soon as resources sufficient may be properly secured.

GRADED AND HIGH SCHOOLS.

§ 70. GRADED SCHOOLS.] Besides the two room school houses and advanced schools which the township school board is authorized to locate, build and open under section 42 of this act, and in addition thereto, whenever a school township has within and belonging to it four or more common schools, and owns, and has well furnished, good and sufficient school houses for them, the township school board may submit to the voters belonging to the several schools the question, whether a graded school shall be established and maintained for the township. The proposition shall be accompanied by a careful estimate of the probable cost of the building proposed for such school including furniture therefor and the cost of the site, and the proposed location of such school, with a statement of the method proposed for raising the necessary funds for building and furnishing the school house. The proposition shall be made in writing and copies of the same signed by at least two members of the school board, shall be delivered to the moderator for each of the several schools, and shall fix a day, at least forty days in advance, when the school meetings shall be held to consider the same. The moderator for each school shall at once, and not less than thirty days before such meeting, post notices of the same stating plainly the time, place and purpose of the meeting, in not less than five of the most public places in the vicinity and within the school territory. At the meeting the question shall be presented by the moderator or some voter in his place, and after due consideration, the vote shall be taken before adjournment. If a majority of the voters entitled to vote at the school meeting favor the proposition it shall be declared carried, and if not it shall be lost, and no such proposition shall be declared carried without the affirmative vote of a majority of all who would be entitled to vote, if present at the meeting. The moderator shall certify the action of the meeting, and the number of affirmative and negative votes to the township school board. If a majority of the school meetings so authorized to be held in the township and of the school voters in the township favor the proposition, the township school board shall execute the plan proposed as nearly as may be, and shall not increase the total cost of site, school building and furniture more than ten per cent. beyond the estimate submitted under any pretense or claim of necessity whatever, unless previously authorized thereto by a majority of the schools and of the voters of the township.

§ 71. PROCEEDINGS TO PROCURE GRADED SCHOOLS.] Instead of submitting the proposition for a graded school to the several school

meetings for their consideration and action, a majority of the voters entitled to vote at any such meeting may sign and assent thereto in writing. This assent shall be signed upon and to the copy of the proposition made by the board, which shall contain all the points required in the preceding section. These several propositions shall be in all cases identical in terms and conditions, whether to be voted upon or signed and assented to. When such assent is duly signed the paper shall be filed with the clerk of the school township, and shall have the same authority and legal effect as an affirmative vote of the school meeting duly called and held as required by the preceding section toward adopting the uniform proposition so submitted. Part of the schools may so assent in writing and part may act upon the proposition by the meeting duly called; and when the township school board has so received by vote of meetings or written assent the affirmative vote of a majority of the schools and a majority of the school voters of the township, in favor of a graded school, they are authorized to proceed as in the preceding section provided.

§ 72. CONCERNING GRADED SCHOOLS.] The graded school herein provided shall be more advanced in grades and studies, and in the learning, skill and experience of their teachers, than the common or graded schools otherwise provided for in this act. The school board of the township may, in the corporate name of the school township, receive and use donations of land for sites, and money and materials for erecting and furnishing buildings for such graded schools, from individuals, communities, towns, villages or other bodies or persons, and may accept and use buildings and other property suited to such use. When such donations are sufficient to supply the site and buildings without cost to the township, the board may expend the money necessary to furnish the building and its different rooms, and may open and maintain the graded school without submitting the question to a vote. The graded schools shall not be opened and taught more than six months in one school year without authority from a majority of the schools and voters to be obtained in the manner hereinbefore provided for obtaining authority to erect and open a graded school, but when the authority is once given it cannot be reduced for two full school years thereafter by action of the schools or the voters, but the board of the school township may so reduce it.

§ 73. ADVANCED SCHOOLS.] When no graded school of any kind is established and maintained in a school township the school township, may employ a teacher more advanced in learning, skill and experience in one or more of the common schools, wherein accommodations are ample and the attendance of primary pupils is not large, and may authorize the more advanced pupils from two or more of the schools to attend one of such schools. Such

schools shall not be taught longer than the other common schools of the township, and the board must take care not to overcrowd such schools to the detriment in any manner of the comfort, thorough instruction and progress of pupils in the primary classes. The township board is further authorized to open and have taught, one or more advanced schools for the admission and instruction of pupils from all the township for the period of two months after the regular common schools close, or before they open, or during the vacation therein, if the terms of other permit it, and to these schools shall be admitted the more advanced pupils from other schools under such rules as the board may prescribe. The board may also employ temporarily and for a limited term each year, a skilled instructor in penmanship, who shall instruct the pupils of the schools for not more than two hours upon any day, visiting as many different schools each day as practicable, and the several teachers in the township may be required to meet at one school house and receive such instruction in penmanship for three hours a day for not less than three Saturdays in the school year.

§ 74. TRANSFERRING PUPILS.] The township school board is further authorized, upon the recommendation of a moderator, to transfer any pupil, whether advanced or not, for convenience, better discipline, the good of the schools or other good cause from attendance upon one school to another; and when a pupil has, from sickness or other unavoidable cause, been prevented from attending the school to which he belongs for a considerable period, so as to affect his classification and advancement, the board may authorize such pupil to attend another school a reasonable time if one be in session, or may provide for his admission to a school in another township. When a school in another township is more convenient for the pupils from any family or any part of them, the board is authorized to contract with such township for the admission of such pupils to the schools thereof, and to pay for the same out of the funds of the township; but they shall not pay such tuition for a longer period than the schools are taught in their own township, and not less than the time for which schools are provided by law to be kept open. The board of any township may also admit non-resident pupils into schools in their own township upon such contract, taking care not to overcrowd their own schools. The school board may also admit any other pupils to the primary or graded schools upon paying in advance the tuition per month they may fix.

§ 75. JOINT GRADED SCHOOLS.] The school boards of two or more distinct municipal corporations for school purposes shall have power, when thereunto authorized by their respective townships as herein before provided, to establish a joint graded school or

schools, or such modifications of them as may be practicable, and provide for admission into them from the primary schools of the respective corporations of such pupils as are sufficiently advanced for such admission. The school boards of the corporations shall jointly have the care and management of such graded schools. They shall purchase suitable grounds and erect proper buildings thereon, and the title to all such property and the furniture and apparatus, necessary and required for such purpose, shall vest jointly in the corporations so establishing the graded school. The boards shall jointly select and employ the teachers therefor. The several corporations shall pay equal shares of all costs and expenses for such schools unless they agree upon other terms, which they are authorized to do. Such schools shall be free from charge for tuition and equally open to all qualified pupils from all parts of each corporation uniting in establishing and maintaining them.

§ 76. PETITION BY INHABITANTS OF TOWNSHIP.] The inhabitants of any part of a township who have ten or more children of school age, may petition the township school board showing in their petition that they have that number of children of school age, and that none of them live nearer than a mile and a half to any school house in the township, that they are permanent residents and desire the location of a school and the building of a school house to accommodate their community. The board shall carefully consider the petition and shall grant and carry out its requests so far and so soon as they are able to do so with the resources at their command and with equal regard to the requirements of other parts of the township. From a refusal to grant any such request the petitioners may appeal to the county superintendent of public schools, who shall fully hear both parties and decide; an appeal may be taken from his decision to the Territorial superintendent. If the final decision be in favor of the petitioners the township board shall proceed as early as practicable to locate and open a school and when the resources can be provided, to build and furnish a school house proper and convenient for the petitioners and for other residents near them.

§ 77. LOCATION OF SCHOOL HOUSES.] The school board of a township shall not locate, build or remove any school house nearer than one mile to any boundary of the school township, and not nearer than two miles to any other public school house; but this provision shall not apply to school houses in cities, towns or villages, whether incorporated or not, which have seventy or more resident persons of school age, nor to union graded schools belonging to two or more corporations.

§ 78. MEMBERS OF SCHOOL TOWNSHIP BOARDS—HOW CHOSEN.] When there are three or more schools in any school township, but a single member of the township school board shall at any time

be elected, appointed or otherwise chosen, or shall qualify and hold office as one of the board, from the same school or the Territory thereof; and when there are two schools but one shall so hold from each and the other shall be chosen or appointed from the Territory not included by any school; and when there is but one school established in a township but one member shall be chosen therefor and the remaining members from the Territory not so included. When an officer is elected or appointed contrary to the provisions of this section such election or appointment is void, and it shall not affect the title to office or the right to act of the officers who were previously elected and qualified.

§ 79. USE OF SCHOOL HOUSE FOR OTHER PURPOSES.] If a majority of the legal voters of any school desire the use of the school house of such district for other purposes than common school when unoccupied for common school purposes, the township school board may, upon such application, authorize the moderator for such school to permit the people under careful restrictions to use the house for any proper purpose, giving equal rights and privileges to all religious denominations or political parties, without any regard whatever to the numerical strength of any religious denomination or political party in such school township or county.

TEACHERS AND SCHOOLS.

§ 80. EDUCATIONAL PAPERS.] The clerk of a school township is authorized to subscribe for and take school or educational periodicals and publications to the value of two dollars a year for each school in the township, but not exceeding in all ten dollars a year for the whole township, and he shall draw a warrant upon the treasurer of the township for the amount of such subscriptions, and the director shall sign such warrant and the treasurer pay it out of the special fund. When but one publication is so taken it shall be a weekly and as much as three dollars may be paid therefor; and all periodicals and publications shall be circulated among the teachers of the township at township institutes and otherwise, and shall be carefully preserved and delivered to other teachers or returned to the clerk, and the board may make rules governing the use and circulation of the same. To further encourage educational study the township board is further authorized to pay each teacher in its employ who teaches four months or more in the township in any school year, one dollar each year, if such teacher satisfies the board that he subscribes and pays two dollars or more in the year for educational periodicals taken by him.

§ 81. TOWNSHIP INSTITUTES.] At least one Saturday in each month during which the public schools may be in progress shall be devoted in each township to township institutes or model schools

and normal instruction and matters relating to methods of teaching, organizing, classifying and governing schools and for the improvement of teachers, and two Saturdays may be so used at the discretion of the township board. Such institute shall be presided over by a teacher, one of the board or other person designated by the school board. Each teacher shall attend the full session of each institute in the township, contemplated herein, and participate in the duties and exercises thereof, or forfeit one day's wages for every day's absence therefrom, unless such absence is occasioned by sickness of the teacher, or of others to whom their attention is due. When the county superintendent is present he may preside at and conduct such institute, and it is his duty to visit and inspect the schools of a township immediately before his meeting with such institute and there give special attention to the defects and needs of the instruction and government of the schools.

§ 82. WHO ENTITLED TO SCHOOL PRIVILEGES.] The common schools provided for by this act shall be at all times equally free, open and accessible to all children over seven and under twenty years of age, residents of the school townships where they are held, or entitled to attend the school under any special provision of this act, subject to the regulations herein made, and to such as the several school boards of the townships may prescribe, which shall always be equal and just, and never in conflict with the law.

§ 83. BRANCHES TO BE TAUGHT.] In every common school there shall be taught to all pupils of sufficient capacity to properly attend to the same, the following branches of a common English education: Orthography, reading, writing, geography, arithmetic, English language lessons and grammar, and United States history, unless it is excepted by the board in any particular school; or so many of said studies as the ability and advancement of each pupil will permit in the judgment of the teacher; also such other branches as may be required in any school by vote at the school meeting, or may be agreed upon by the school board and the teacher:

Provided, That a more advanced course of studies may be prescribed by the township boards for the graded schools herein provided.

§ 84. TEACHER'S QUALIFICATIONS AND CONTRACT—CONDITIONS.] Teachers shall be employed only upon the exhibition of a certificate valid in the county where employed, and then only upon a written contract signed by the teacher and at least two members of the township school board which shall specify the date at or about which the school shall begin, the length of time it shall continue, the wages per month, and the time of payment thereof; and said contract shall be so signed in duplicate and one copy filed in the office of the clerk and the other retained by the teacher.

The following conditions shall be understood as forming a part of every such contract whether expressed therein or not:

1. The teacher shall not hold school upon any legal holiday, but such days shall count as part of the term and the teachers be paid therefor, but such pay shall not be drawn for any Saturday or Sunday.

2. School shall be adjourned during any time that an institute is held in the county, to attend which the teachers have been notified by the county superintendent, and the teacher shall draw pay for and have counted as part of the term one-half day for every day's actual attendance upon the institute as certified by the conductor of the institute or county superintendent.

3. Teachers shall receive into their schools pupils transferred thereto by order of the township board or admitted by its authority.

4. The teacher is to send the notices, keep the proper entries in the register and make the reports as and when required by law; and the school corporation shall promptly furnish, without cost to the teacher the blank forms for such reports and furnish for use a proper register prepared so that the required facts and statistics can be kept in an orderly manner.

§ 85. CLERK TO PROVIDE TEACHER'S REGISTER.] The clerk of every school township shall provide one suitable school register for each school therein and keep the same as a part of the records of his office, except during each term of school, when the teacher shall keep said register and record therein each day, the attendance of each pupil and the absence of those enrolled, and all other items necessary for making the report in the next section required.

§ 86. TEACHER'S REPORT.] Every teacher of a common school under this law shall at the expiration of each term, immediately make out full duplicate reports, and deliver one copy thereof with the register to the school clerk and one to the county superintendent. Said reports shall show the names, ages and sex of all pupils admitted during such term, the branches taught, the studies pursued by each pupil, the text books used, the number of days taught, the number of days each pupil was present, the average daily attendance, the date when school began and ended, the salary per month, including board, and information concerning the school and property, and until such report shall have been so filed with the clerk the school board shall not pay more than ninety per cent. of the wages for such teacher for his or her services as such for the time required to be covered by such report.

§ 87. TEACHER TO GIVE NOTICE.] Every teacher, on commencing a term of school, shall give written notice to the county

superintendent of the time and place of beginning such school, and the probable time when it will end.

§ 88. REPORTS, ETC., TO BE KEPT IN ENGLISH LANGUAGE.] All reports and records of school officers and proceedings of all school meetings shall be kept in the English language, and if any money belonging to any school township shall be expended for supporting a school in which the English language shall not be taught exclusively, the county superintendent or any taxpayer of the school corporation, may in a civil action, in the name of the corporation, recover for the corporation all such money from the officer or officers so expending it or ordering its expenditure.

§ 89. PENALTY FOR DISTURBING SCHOOL.] Every person, whether a pupil or not, who shall willfully molest or disturb a public school when in session, or who shall willfully interfere with and interrupt the proper order or management of a public school, by acts of violence, boisterous conduct or threatening language, so as to prevent the teacher or any pupil from performing their duty, shall, upon conviction thereof, be punished by a fine not exceeding twenty dollars, or by imprisonment in the county jail not more than ten days, or by both such fine and imprisonment.

§ 90. FINE FOR INSULTING TEACHER.] If any parent, guardian, person having a child in charge, or other person, from any cause, fancied or real, in the presence of a school, whether at intermission, recess, during its sessions, or before or after the day's session, in the presence of a considerable number of the members of the school, shall upbraid, insult or threaten, the teacher of such school, such person shall upon conviction thereof, be punished by a fine not exceeding twenty-five dollars.

§ 91. THE BIBLE.] The bible shall not be excluded from any public school, nor deemed a sectarian book. It may be read in school without sectarian comment, not exceeding ten minutes daily, and no pupil shall be required to read it contrary to the wishes of his parent or guardian or other person having him in charge. The highest standard of morals shall be taught, and industry, truthfulness, integrity and self-respect inculcated, obedience to law enjoined, and the aims of an upright and useful life cultivated.

PROCEEDINGS TO OBTAIN SITES FOR SCHOOL HOUSES.

§ 92. OBTAINING SCHOOL HOUSE SITE.] The school board of of any school township may take by purchase and deed of conveyance, in the corporate name thereof any real property not exceeding two acres in area, legally chosen as a site for a school house by a resolution of the township school board, and may hold and use such tract for public school purposes but for no other pur-

pose. If the owner of such real property refuse or neglect to grant and convey such site to the school corporation, or is a non-resident of the county, or is absent and cannot be conveniently found, the county clerk of the county in which the real property is situated shall, upon the written application of the township school board, after ten days' notice to the opposite party, or if they are non-residents, or absent or cannot be conveniently found, by notice printed for four weeks in succession in some newspaper published in the county, describing the tract to be taken, and naming the owner, appoint three resident freeholders of the county as assessors, who shall be sworn to faithfully perform their duties, and they shall then assess the damages the owner of such tract will sustain by taking the same for school purposes and uses, and said assessors shall directly file their written report with the county clerk, giving an exact description of the tract taken for the site and the amount of damages so assessed. If said school board shall, before taking said real property for school uses and purposes, deposit in the name of the school township, with the county treasurer to the credit and for the owner of the tract taken, the amount of money so assessed as damages, they shall then be fully authorized to permanently use said premises for school purposes;

Provided, That the report of the assessors may be reviewed by the district court upon written exceptions filed by either party in the clerk's office of the district court within twenty days after the report of the assessor is filed in the county clerk's office, but this shall not delay or prevent the use of the tract for school purposes. The additional amount, if any, found in damages, shall be paid by the school township; *Provided further,* That no site, except in a village, town or city, shall be thus taken within forty rods of any residence, the owner of which objects to its being placed nearer, and in no case in any orchard, garden or public park.

§ 93. SITE TO BE USED FOR SCHOOL PURPOSES.] The title acquired to such school site shall be for school purposes only; and if not used for maintaining a public school thereon, for two successive years, the title shall revert to the owner of the fee, upon re-payment of the original sum paid, with the value of improvements made by the school corporations, and without interest.

REPORTS.

§ 94. COUNTY SUPERINTENDENT'S REPORTS.] The county superintendent of each county shall make full and complete report to the superintendent of public instruction on or before the first day of September in each year, of the school statistics of the preceding school year, showing for each school corporation in the county the following facts and statistics:

The number, name or other proper designation of the school corporation.

The number of graded schools.

The number of ungraded schools.

The average number of days school was taught.

The number of teachers employed, males, females, and total.

The average compensation paid teachers per month, males and females, separately.

The number of persons resident, between the ages of seven and twenty years (excluding those married,) showing males, females, and total.

The number enrolled in the schools.

The per cent. of attendance of those enrolled.

The average cost of tuition per month for each pupil.

The number of school houses erected during the year.

The number of school houses, for graded, and for ungraded schools.

The total value of school houses, including sites and furniture.

The total sittings in school houses.

The total par amount of bonds outstanding.

The average rate of interest paid thereon.

The total amount paid to and due the officers of school corporations for services during the year.

The total amount paid the county superintendent for services, including expenses during the year.

The following financial report:

RECEIPTS.

1. The total amount on hand at beginning of the year.

2. The amount received into the special fund from all sources.

3. The amount received by apportionment.

4. The amount received from sale of bonds.

5. The amount received from all other sources.

The total school receipts.

EXPENDITURES.

1. The amount paid for school houses, sites, furniture and appendages.

2. The amount paid for teachers wages.

3. The amount paid for all incidental expenses.

4. The amount paid as interest on bonds.

5. The amount paid upon other debts and liabilities not included in any other items.

6. The balance on hand at end of year.

The total expenditures, not including balance on hand.

He shall also report all private schools, academies and colleges, within his county, in a table separate from all public schools, showing the name of the school or institution, if incorporated, and if not, by brief description, the name of the principal or person, officer or president in charge, the number of teachers employed, the number of pupils in attendance during the year, the value of the buildings and permanent property, the value of the endowment.

§ 95. CLERK'S REPORT.] The clerk of each school township shall on or before the first day of August in each year, make, sign and transmit or deliver to the county superintendent, a report in writing, covering the preceding year and including all the facts and statistics of the school townships which are required by the preceding section to be included in the county superintendent's report, and in the same order therein required, except any item therein peculiar to the county and not belonging to the township. He shall also report the branches studied in the graded and ungraded schools separately; the names and addresses of the township school officers and the dates when their terms severally expire; and all other facts and statistics which the county superintendent may require for his report to the Territorial Superintendent.

§ 96. TREASURER'S REPORT.] On or before the 15th day of July in each year the treasurer of each school township shall make, sign and deliver to the clerk of the same, and deliver or transmit to the county clerk a report in writing which shall cover all the financial accounts and transactions of the school township for the preceding school year, and shall show by items the following:

RECEIPTS.

1. Total amount on hand at the beginning of the year.
2. The amount received into the special fund from all sources.
3. The amount received by apportionment.
4. The amount received from sale of bonds.
5. The amount received from all other sources.

The total school receipts.

EXPENDITURES.

1. The amount paid for school houses, sites, furniture and appendages.

2. The amount paid for teachers' wages.

3. The amount paid for all incidental expenses.

4. The amount paid as interest on bonds.

5. The amount paid upon debts and liabilities not included in any other items.

6. The balance on hand at the end of the year.

The total expenditures, not including balance on hand.

The total expenditures added to the balance on hand shall equal the total receipts, but the balance on hand must not be added as part of the total expenditures. He shall also supply the clerk of the school township with any other fact which his books should show required by the clerk for his report.

§ 97. SCHOOL BOARD TO EXAMINE TREASURER'S REPORT.] Before the date for the treasurers' report or upon that date, the township school board shall hold a session, to be called by the clerk, and the treasurer shall then submit to the board all his books, accounts and vouchers, and the board shall carefully examine the same and the items thereof and compare the report therewith, and if they find the same to be correct and to agree they shall indorse upon triplicate copies of the report duly signed by the treasurer, the following: "Examined, compared, and found correct this .... day of ....., 18..," and sign such indorsement upon each copy. They shall also cause the clerk to make entry in the record book of their proceedings the fact of such examination and comparison, and the fact whether or not the books, accounts, vouchers, and report are found correct. If the reports are so found correct one copy shall be immediately delivered to the clerk of the school township, who shall receipt in writing therefor; another shall be immediately transmitted or delivered to the county clerk; and the third shall be retained personally by the treasurer. The clerk of the school township shall copy the report received by him in his record book, together with the indorsement thereon, and file it in his office. If the county clerk fails to receive the copy sent to him the clerk shall upon notice send him a certified copy of the report on file in his office, together with the indorsement.

§ 98. TREASURER'S ACCOUNT.] Every county treasurer shall keep a regular account with each school corporation in which he shall charge himself with all taxes collected by levy of the township board, and all sums apportioned to the township by the county superintendent or other authority, and all other sums received for the school township; and he shall credit himself with all payments made to the treasurer of the school township, distinguishing between the items paid by apportionment, those from

local taxes, and those from other sources. To the secredits, to balance the account, he shall add all items for legal fees for collection and other duties. These accounts shall be kept for each school year separately, beginning July 1st and ending with June 30th of the following year. At the first meeting of the board of county commissioners after the close of a school year he shall submit an abstract of these several accounts.

§ 99. COUNTY COMMISSIONERS TO EXAMINE REPORTS OF TREASURER'S.] The board of county commissioners shall, at its first session after the close of every school year, examine the reports of the treasurers of school townships and compare them with the accounts of the county treasurer, presented in accordance with the preceding section. If the reports are found correct, they shall be passed and approved accordingly; and to every treasurer of a school township whose report is so approved, the board of county commissioners shall order the payment from the county general fund the sum of not less than ten nor more than twenty-five dollars, based on the relative amount of money handled and duties performed by each. The county superintendent shall also present the reports of the clerks of the school townships, and the financial statements presented therein shall be also examined and compared with the reports of the treasurers of the school townships and the account of the county treasurer; and so far as found correct and approved, the several clerks shall be paid the same amount as is paid to the school treasurers of their respective townships, all upon warrants drawn upon the county general fund. The clerks' reports shall be retained in the files of the county superintendent's office, and those of the treasurers shall be filed by the county clerk. The superintendent shall have access to and the privilege of examining all treasurers' reports, and the accounts of the county treasurer with school corporations. The county board shall publish in its proceedings a statement of the school township treasurers' reports that it approves, and a list of those disapproved or not received.

§ 100. DUTIES OF COUNTY SUPERINTENDENT.] The county superintendent shall actively endeavor at all times to secure the several reports of the treasurers and clerks of school townships to be correctly made and to be delivered within the time required by law; and to promote this he shall so far as appears advisable or necessary visit the several treasurers and clerks beforehand, and carefully examine into their records, files and accounts, and shall instruct them in the correct keeping, entry and statement of the same. Immediately after the board of county commissioners has passed upon the accounts and reports of the treasurers and clerks, as required in the preceding sections, the county superin-

tendent shall visit and inspect the accounts and records of all those whose reports have not been received and approved, and endeavor, by his inspection, advice and aid, to secure the prompt forwarding of their respective reports. He shall report in writing to the county clerk the fact and date of every such visit, and a brief statement of the condition in which he finds the particular office in these respects. The reports shall be made at as early a day as practicable, and shall include every such delinquent officer.

§ 101. DUTIES OF COUNTY COMMISSIONERS.] At the next session of the board of county commissioners the county clerk shall lay before the board all these reports of inspection, and all additional reports received from such officers, and the board shall carefully examine each case upon all the facts that can be ascertained from the county superintendent, the county treasurer, and the several officers from whom such reports are due. If it be found that any treasurer of a school township has willfully or carelessly neglected and failed, by that time, to account for all school funds and make report thereof to the proper officers as hereinbefore required, his office shall be declared vacant, by resolution of the county board, and a successor appointed as provided by law. And if it be found that any clerk of a school township has willfully or carelessly neglected and failed by that time to make a proper report of the facts and statistics required in his report for the preceding school year, his office shall be declared vacant, by resolution of the board of county commissioners, and a successor appointed as provided by law.

§ 102. SAME.] The clerk of a school township may be excused from making that part of his report which depends upon the financial report by the treasurer to him, if he shows that after reasonable effort he has failed to receive such report. No other notice but this law and the visit of inspection by the county superintendent shall be necessary to any such delinquent treasurer or clerk, and the board of county commissioners shall at their first session, after the failure to report correctly was found, proceed to determine every such case without adjournment beyond that session. The board shall accept no excuses except those which are a reasonable compliance with the law, or serious or prolonged illness, or personal calamity or misfortune of a serious nature, or the accidental loss or destruction of books and records, or like unavoidable cause. Nothing in this act shall be taken to limit the application of chapter XXII of the Political Code to any of the officers of a school township, and an appeal may be taken to the District Court from the action of the board of county commissioners declaring an office vacant as hereinbefore provided; but in every such case the declaration of vacancy shall operate as a suspension of the officers, and the office shall be temporarily filled by appointment.

§ 103. SCHOOL CLERK'S REPORT.] In every school township the clerk thereof shall make copies of his report when it has been approved, and certify the same and send or deliver one to each of the moderators therein who shall submit the same for information to the meeting of the school, or cause the same to be done, and shall keep the same for the inspection of any voter or taxpayer.

§ 104. SCHOOL RECORDS SHALL BE OPEN TO INSPECTION.] All reports and all books, records, vouchers, contracts and papers of all kinds relating to school houses, schools and school business in a township in the office of the clerk or treasurer, shall be at all times open to the inspection of the director, who shall advise and aid toward securing correct records and accounts and legal reports; and they shall likewise be open to the inspection of the territorial and county superintendent, and any particular paper or record shall be exhibited at reasonable hours to the examination of any voter or taxpayer.

§ 105. DISTRIBUTION OF TERRITORIAL SUPERINTENDENT'S REPORT.] The superintendent of public instruction shall cause his report to be printed in the month of December in each year. In those years when the report does not immediately precede a session of the Legislative Assembly, not more than three hundred copies shall be printed, and one copy each shall be sent to the county superintendent of each organized county, to the chief educational officer or board of every State and Territory, and not less than two copies to each territorial officer, while not less than twenty copies shall be preserved in the office, and other copies may be given to libraries and prominent educational organizations and representatives. In the year to be followed by a legislative session the above number shall be printed, and an additional number sufficient to furnish not less than ten copies each to all members of the Legislative Assembly. The Territorial Auditor shall audit and draw warrants upon the Treasurer for the payment of reasonable and just accounts therefor.

MISCELLANEOUS PROVISIONS.

§ 106. SCHOOL MONTH.] A school month shall consist of twenty school days, a school week of five school days, and no Saturdays shall be counted as school days.

§ 107. PENALTY FOR FALSE REPORT.] Every clerk or treasurer of a school township or district who shall willfully sign or transmit a false report to the county superintendent, or willfully sign, issue or publish a false statement of facts, purporting or appearing to be based upon books, accounts or records, or of the affairs, resources and credit of the school township, shall upon conviction be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding fifteen days in the county jail.

§ 108. PENALTY FOR REFUSING TO DELIVER BOOKS, ETC.] Every clerk or treasurer of a school township or district, who shall willfully neglect or refuse to deliver to his successor in office, whether elected or appointed to a regular term, a vacancy declared, or temporarily during his suspension, all records, books, papers, accounts, money and other property belonging thereto and to the township, shall, upon conviction, be fined not less than five dollars nor more than fifty dollars; and the successor shall prosecute without delay upon the official bond of such officer for the recovery of all such money.

§ 109. OFFICER TO QUALIFY BEFORE PERFORMING DUTY.] No officer of a school township or district shall perform any duties of the office, nor receive any of the property, money, books or papers belonging to the office, nor any money from the county treasurer, or warrant therefor, until he has fully qualified as required by law.

§ 110. OFFICE, WHEN DEEMED VACANT.] If any officer, elected or appointed, of a school township or district shall fail to qualify or to give bonds as required for one month after the time required, the office shall be deemed vacant, and a successor appointed as required by law. Whenever a treasurer of a school township, by election or appointment becomes his own successor he shall give new bonds, and all such officers shall qualify anew upon entering upon a new term. If from sickness or any other cause such officer shall become incapacitated or unable to attend to the duties of his office, the fact shall be certified to the county superintendent by the remaining officer or officers of the school township, and a successor shall be appointed as to a vacancy. Ceasing to be a resident of the township shall be deemed an immediate vacation of the office.

§ 111. RESPONSIBILITY FOR MONEY LOST.] If any treasurer of a school township or district shall by neglect, lose or suffer to be lost, any money belonging thereto, which has been received from the county treasurer, said treasurer shall forfeit to such township the full amount of money so lost, and it may be recovered by an action upon his official bond.

§ 112. PENALTY FOR MONEY LOST.] Every treasurer of a school township or district who shall loan any part of the money in his hands belonging to the township, whether for a consideration or not, or who shall expend any part thereof for his own or any other person's private use, is guilty of embezzlement, and shall upon conviction, be punished as provided by law.

§ 113. DUTY OF COUNTY TREASURER.] The county treasurer shall collect all moneys due the county for school purposes from fines, penalties for crimes or other acts or failures, forfeitures,

licenses, proceeds from the sale of estrays, from exemption from military duty, and all other moneys from any source or by any law due to said school fund, and shall add the same to the proceeds of the county general school tax in his report to the county superintendent for apportionment He shall collect all delinquent school taxes as by law provided for other taxes, and at the same time, and he shall pay the same over to the treasurers of school corporations entitled thereto, less his fees and costs of collecting; and if any county treasurer shall refuse to deliver over any money in his possession upon legal order, or shall use or permit to be used, for any other purposes than are specified in this act, any school money in his possession, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year.

§ 114. REFUNDING MONEYS ERRONEOUSLY COLLECTED.] Whenever an error may be discovered in any school corporation tax list, the school board thereof may order any money which may have been improperly collected on such tax list to be refunded. The board of county commissioners may, while all taxes are collected by the county treasurer, correct and refund such improper collection of school taxes the same as for county taxes.

§ 115. TAX TO PAY JUDGMENT.] Whenever any final judgment shall be obtained against any school corporation, the board thereof shall levy a tax upon the taxable property in the corporation for the payment thereof; such tax shall be collected as other school taxes, but no execution shall issue against any school corporation. Such tax or taxes shall not be greater than two per cent. in any one year, and any surplus funds in the treasury of the school corporation may be appropriated to the payment of a judgment. If the school board shall fail or refuse to levy such tax the judgment creditor may apply to the board of county commissioners who shall cause such tax to be levied upon the property of the school corporation. When collected it shall be paid over by the county treasurer to the judgment creditor, whose receipt therefor shall be delivered the same as money to the treasurer of the school corporation by the county treasurer. Such levy may be repeated until the judgment is paid.

§ 116. JURISDICTION OF JUSTICES.] Justices of the peace shall have jurisdiction in all cases in which a school corporation is a party interested, when the amount claimed by the plaintiff does not exceed one hundred dollars, and the parties shall have the right to appeal as in other cases.

§ 117. FINES, HOW COLLECTED.] All fines and penalties not otherwise provided for in this act shall be collected by action in any court of competent jurisdiction.

§ 118. PARENT MAY DEMAND SCHOOL PRIVILEGES.] In any organized school township it shall be lawful for the parent, guardian or other person having charge of any child or children of school age, to demand and require each school year as many as four months school to be taught at the school to which he belongs, or some other accessible to him and to attend which, provision is made for the children in his charge, without tuition; and in case of failure of the school township to make such provision the persons having in charge such school children may send them to any school in any adjoining school corporation, whether in the county or not, which will admit them, for the period of four months each school year, and the school corporation in which said pupils so attend school shall be entitled to collect and receive from the corporation in which they are residents the sum of fifty cents a week for each and every pupil so admitted and attending school. And when twelve or more such children are organized by the persons having them in charge into a school within the township where they reside, and a qualified teacher is employed and teaches such school, with an average daily attendance of nine or more, the pay of such teacher at the rate above declared shall be a charge upon such school township, not exceeding twenty dollars a month for four months in each year:

Provided, That before employing such teacher and opening such school they shall serve two weeks notice of their intention to do [so] upon the township school board in order that it may provide the school. No other charge for such school shall be made.

§ 119. COMPULSORY EDUCATION.] Every parent, guardian or other person having in charge any child or children between the ages of ten and fourteen years is required to send such child or children to a public school at least twelve weeks in each school year, at least six weeks of which shall be consecutive, unless such child or children are excused from such attendance by the school board by reason of bodily or mental infirmity such as to prevent attendance at school or application to study, or that such child or children are taught an equal time in some private school or regularly at home in such branches as are ordinarily taught children of that age in public schools, or that no public school is taught for the time required, and within two miles by the nearest way to the home of such person within the school township.

§ 120. COMPLAINT BY MODERATOR.] The director of the township, and the moderators assisting him, shall ascertain if there are any such children deprived of school privileges while an accessible school is taught, and he shall notify the parent, guardian or other person having them in charge, and direct that they be sent to school as herein required. If they fail or refuse to send such child or children to school as required in the preceding section he

shall make complaint before some justice of the peace of the failure, and every such person having in charge a child he so fails to send to school shall, upon conviction, be fined not less than three nor more than ten dollars. If the director fails to make such complaint, any moderator or citizen may do so, after having served notice of his intention to do so for two weeks previously, upon such parent, guardian or other person.

§ 121. ASSESSOR TO FURNISH CERTIFICATE.] Every township or county assessor shall, on or before the 15th day of June in each year, furnish to the clerk of each school corporation the property of which he assesses, a certificate of the valuation of all real property and all personal property, and of the total of these, subject to taxation within the corporation for the current year.

§ 122. WHAT SCHOOL REPORT TO INCLUDE.] The school year ending June 30th, 1884, shall take up and include in its accounts statistics and reports, all the affairs, accounts, statistics and other items of school business after the 31st day of March, 1883; but thereafter each school year shall begin upon July 1st and end upon the 30th day of June of the year following, and all accounts, records and reports shall conform to these provisions, and the officers of all school corporations shall be elected and shall qualify accordingly.

TEACHERS' INSTITUTE.

§ 123. INSTITUTE FUND.] There is hereby appropriated out of any funds in the Territorial treasury not otherwise appropriated the sum of six hundred dollars each year as an institute fund which shall be used exclusively in employing persons of learning, ability, skill and experience as conductors of teachers institutes. The superintendent of public instruction shall appoint the times, places and duration of these institutes, after such consideration of the requests of county superintendents as in his judgment the need of the various parts of the Territory will permit. Of this fund not more than sixty dollars shall be paid for the expenses of any one institute in a year, and such institute shall continue for two weeks. No institute aided by this fund shall continue for less than five days.

§ 124. INSTITUTES, EXTENSION OF TIME.] The money assigned for any particular institute may be added to any fund furnished for the purpose by any county, and the institute extended so long as the entire fund will allow, not exceeding four weeks. If a sufficient county fund be not otherwise provided, the board of county commissioners may appropriate not more than fifty dollars in any county each year in aid of institutes. The Territorial Superintendent may require a statement of the amount of funds

a county may have for the purpose, before setting apart any Territorial funds in aid of an institute therein.

§ 125. INSTITUTE CONDUCTORS.] The Territorial Superintendent shall employ or designate every conductor for an institute aided by Territorial funds, and no such funds shall be paid to any conductor of an institute not previously appointed or employed by him. Two or more counties may be grouped into one institute; and for any joint county institute which the Territorial Superintendent is satisfied will be well attended from each of the counties included, the sum of eighty dollars may be used from the Territorial fund.

§ 126. INSTITUTE MONEYS—HOW PAID.] The money hereby appropriated from the Territorial treasury for an institute fund shall be paid to the persons to whom it is due by warrant of the Territorial Auditor upon the Territorial Treasurer, which shall be issued upon the presentation of an account in due form, receipted by the person to whom due and approved by the Territorial Superintendent. All the incidental expenses of such institutes shall be paid out of the county institute fund, or by the several counties for which they are held.

RESIGNATIONS.

§ 127. WHEN SCHOOL OFFICE BECOMES VACANT.] Any office of a school corporation shall become vacant by the formal written resignation of the incumbent thereof, but such resignation shall not take effect until a successor has qualified according to law. The resignation shall be addressed to the county superintendent who shall immediately appoint a successor and notify the county clerk thereof in writing.

BOARDS OF EDUCATION.

§ 128. ACT NOT TO APPLY TO BOARDS OF EDUCATION.] This act shall not apply except where by its terms it is especially made applicable to boards of education established by any statute general, special or local, now in force or which may hereafter be passed establishing such boards or affecting their powers; and it is specially provided that all amendments to every such law shall not be affected by this act, and all acts and parts of acts and amendatory acts authorizing such boards of education to issue bonds and providing for the payment of the same shall remain in full force as by their terms provided. The public schools of any city, town or village which may be regulated by special law or by the charter of said city, town or village, or by any general acts establishing boards of education, shall be entitled to receive their proportion of the public school and other funds;

Provided, That the clerk or secretary of the board of education of said city, town, or village, shall at the time required by law for school townships to do the same, make a report to the county superintendent of public schools of the county in which such board of education is situated, showing the whole number of children between the ages of seven and twenty years residing within the territory of such board on the day in this act required for such enumeration in the school townships; but no further report to such superintendent shall be required.

TOWNSHIP LIBRARIES.

§ 129. SCHOOL LIBRARIES.] The school board of any school township shall have power, when thereunto organized as in this act required for establishing a graded school, by a majority of the schools and the voters thereof, to purchase and keep for the use of the inhabitants of the school township a circulating library of the value of not more than five hundred dollars, to be selected by the school board from any list of books furnished or approved by the superintendent of public instruction.

§ 130. PURCHASE OF BOOKS.] The superintendent of public instruction shall, upon the application of any county superintendent, furnish such list to him, or approve, if he finds it suitable, any list furnished by the county superintendent, which shall then be the list for such county from which any board may so select and purchase; and additional lists may from time to time be so furnished or approved by selection, and no books shall be purchased for any such library except from such lists. The books so listed shall include publications of not less than four different publishing houses or firms, independent of each other, and shall be, as far as practicable, accompanied by the lowest prices that can be secured thereon, with terms and other items of value to the purchasers. The board may at any time accept donations of books for the library, not included in the lists, but shall exclude from the library all books of an immoral nature or otherwise unsuited to the cultivation of good character and good morals and manners; and no sectarian publications devoted to discussions of sectarian differences and creeds or partisan political pamphlets and books, shall be admitted to the library.

§ 131. CARE OF, AND RULES OF, LIBRARY.] The township school board shall have the care and keeping and custody of the library, and shall make rules to govern the drawing, circulation and care of the books while in the hands of the people, and shall prescribe and collect penalties for the injury, defacement or other harm done to any book by the act, negligence or permission of the person who draws the same, or while in his possession, by any other

person. No book shall be loaned for a longer period than two weeks at any time to one person, and never to any person not a resident of the township. The library shall be open at least once each week for not less than three hours for the accommodation of the people in returning and drawing books.

§ 132. TOWNSHIPS MAY CHANGE LIBRARIES.] Any township may at any time exchange any part or all of its library with any other township, or other library or person, so far as different books may be so obtained, for equal values of the books exchanged.

§ 133. LIBRARY TO BE PRESERVED.] The school board of the township must see that the library is properly kept and cared for and the books preserved from harm, except that arising from ordinary proper use; and they may pay any person suited thereto, including one of their own number, not more than twenty-five dollars a year for services as librarian.

§ 134. USE OF BOOKS.] The board shall, under proper rules and safeguards, permit teachers to take books from the library temporarily to their schools for use there in illustrating any subject, and for purposes of general information and instruction; and all school corporations are authorized, without further authority, to purchase, and, during term time, leave at each school one copy of Webster's Unabridged dictionary, which is recognized as the standard for the English language in all the schools of this Territory.

§ 135. PERMIT USE OF SCHOOL HOUSE FOR MEETINGS.] The board may and under proper rules and restrictions it is their duty to permit the use of the school houses for the meetings and sessions of literary societies, associations and lyceums, for meetings or schools for instruction and training in vocal music and for public literary, scientific and other lectures, and for other exercises, entertainments and meetings of like character and purpose.

UNITING DISTRICTS IN TOWNSHIPS.

§ 136. UNION OF DISTRICTS.] The adoption of the system herein provided, and the passage and approval of this act shall not have the effect to discontinue, abolish and render null such school districts or their organization as they may now exist in any county, but they shall continue to exist and their officers to act as such in law and fact until the school township organization is complete so far as it includes any particular district or districts or the larger part of any particular district. And such township organization shall not be deemed complete, nor such districts so cease to exist and their officers to act as such until all matters between the district and the township are adjusted and the property delivered, funds paid over and an adjustment is reached for the equalization of taxes and property between the districts which

enter into the school township, so far as such taxes and property remain permanent in houses, sites, furniture and other parts of houses and grounds.

§ 137. SCHOOL DISTRICTS TO EQUALIZE PROPERTY AND FUNDS.] After the boundaries of school townships shall have been fixed and declared as provided by this act all those districts the school houses of which are included in any particular school township (whether all the area of such districts is included or not) shall effect an equalization of property, funds on hand and debts. To effect this the school boards of all such districts, so included in a school township, or one or more members of each, shall meet together at a time and place appointed by the county superintendent who shall meet with them. They shall first agree upon the valuation at that time of all the permanent school property of each district, consisting of school houses, sites and furniture, and other permanent appendages. To this they shall add all money on hand or due from the county treasurer (not counting any delinquent taxes), and from the sum they shall subtract all debts owed by the district, including bonds and warrants outstanding. The result will show the net permanent property owned by each district. If in any district the debt is greater than all the assets, it shall be so stated, and treated as hereinafter required.

§ 138. MANNER OF DETERMINING EQUALIZATION.] Taking the district having the highest or largest value of net permanent property so ascertained they shall next determine the difference between this and each of the other districts in succession, and then taking the valuation of taxable property in that district having the largest value of net permanent property they shall find what rate if levied thereon would produce each of the several amounts which each district lacked in property of equaling the one having the most. These several rates shall be the equalizing rates to be levied upon the property of the districts respectively. In ascertaining and determining these several amounts and rates and in all the proceedings of the joint session of these district boards, each district shall have but one vote whether represented by one or more officers, which vote shall be cast as may be determined by the officers present from such district. The county superintendent shall preside at the sessions, and in case of disagreement, when a majority of all the districts does not vote in favor of any particular amount, or rate, or other definite settlement, the county superintendent shall decide the question, governing himself by the facts as they appear and so far as practicable by the several opinions expressed, and his decision shall be final.

§ 139. SAME.] In determining each amount and rate regard shall be had to the previous history, areas, taxation, changes of boundary and other facts which may have affected the different values

of permanent property, and allowance shall be made for the same so far as can fairly and clearly be done. They shall not consider property not paid for, nor for which outstanding bonds or warrants were issued or other debts created; but they shall consider property and debts both, as hereinbefore provided. If in the opinion of the boards excessive amounts of bonds were issued or paid for the property or the proceeds or funds were wasted in any other manner, or extravagant prices were paid for any part, they must allow for the same against such district in the levy of the equalizing rates. And they shall also consider a debt owed by a district beyond the value of property had by it, and such net debt shall be added and used as a part of the difference between such district and the one having the highest value of property. The said boards are authorized to levy such tax upon property which is not in any district but is included in the school township.

§ 140. PROCEEDINGS TO LEVY TAX.] When the rates to be levied upon the several districts shall be fixed, a list thereof shall be made wherein the rate shall be set down in mills opposite each district. The whole shall be stated substantially in the form herein required for certifying school taxes, and it shall be addressed to the county clerk and shall be signed by one or more officers of each district, and at least by a representative of one officer from each of a majority of the districts included, and shall then be approved by the county superintendent, and by him forwarded to the county clerk, and it shall be deemed a valid and legal levy upon the taxable property of each district, at the rates therein respectively stated for each. Not more than two per cent. shall be so levied in any one year as an equalizing tax upon any one district, and not more than six per cent. in all shall be so levied upon any one district as an equalizing tax; and when in any case the equalizing tax upon any district shall exceed two per cent. that amount of the rate shall be levied the first year, and not more than that, if necessary, the second year, and so for the next year thereafter, until the whole amount shall be so levied. The county clerk shall preserve such levies, and shall extend the several rates from year to year as above required by law for district taxes, and the taxes shall be collected at the same time and in the same manner as other taxes are collected.

§ 141. LIMIT OF TAXES.] Such equalization taxes shall not limit the power of the school board of the township to levy taxes generally upon property of the township for school purposes, as in this act provided, but they shall not levy any rate which shall with the equalizing rate amount to a rate of more than three per cent. in any one year upon any part of the school township. Upon the completion of the agreement and levy of the equalizing rates, and upon the qualification of the officers of the school township, the

organization of the school township shall be complete and in full force. If any part of a district be excluded from the boundaries of a school township with and for which its equalization tax was levied, the said tax shall extend over and upon all the property of the entire district, and the proceeds shall be paid over as in the next section required.

§ 142. [TAXES, WHERE APPLIED.] Opposite the several descriptions of property on the tax lists shall be entered the school township within which it lies, and all the proceeds of these equalizing taxes shall be collected and paid over to the treasurer of the proper school township within which the property is situated. The proceeds of taxes upon parts of districts lying outside of townships with which they were equalized shall be paid to the treasurer of the school township within which the property is situated, the same as hereinbefore provided for regular taxes.

§ 143. [TOWNSHIP SCHOOL BOARD TO ASSUME MANAGEMENT.] Immediately upon the organization of the school township as hereinbefore provided, the township school board shall assume the management and control of the public schools and the school property therein, and the officers of the several districts shall turn over to the township school board all moneys, books, papers, accounts, files, school property and other property of the districts, and it shall all vest in the township as a school corporation for the use of schools and under the provisions of this act:

Provided, however, That all taxes before that date voted in such districts and levied but not collected shall be collected, and, together with all the money in the hands of the county treasurer, be paid over to the treasurer of the school township in which the property upon which it was levied is situated, and the debts and liabilities of such school districts shall be assumed and paid by the school township the same as it incurred thereby, and to that end the officers of each school district shall make to the township school board, full, true and accurate statements of the property, debt, finances and condition of their district.

§ 144. [LIABILITY OF SCHOOL TOWNSHIP.] Every school township shall be liable for and shall assume and pay fully, according to their legal tenor, effect and obligation, all the outstanding bonds and the interest thereon, of every school district, the school house and furniture of which are received and included within the school township and owned thereby, the same as if said bonds had been issued by said school township; and the law which authorized the school district to issue bonds shall apply to the school township the same as if it had originally been authorized to issue, and had issued the said bonds. The bonds shall be deemed in law the bonds of the school township, with the same validity for securing and en-

forcing the payment of principal and interest that they would have against the district that issued them.

§ 145. ACT TO BE PUBLISHED.] This act shall take effect and be in force from and after its passage and approval, and the superintendent of public instruction is authorized to contract for and cause to be printed six thousand copies thereof in pamphlet form and to distribute the same through the county superintendents to the school officers throughout the Territory; and the sum of eight hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the territorial treasury not otherwise appropriated to pay for printing the same. The accounts for the same shall be certified by the Territorial Superintendent, and shall be paid by warrants of the Territorial Auditor drawn upon the Territorial Treasurer.

§ 146. CONFLICTING ACTS REPEALED.] All acts and parts of acts in conflict with this act are hereby repealed, except as in this act saved, extended and limited, but such repeal shall not affect the validity of any contract heretofore entered into or any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal action before such repeal, but all rights and liabilities under said acts shall continue and may be enforced as if said repeal had not been made, nor shall said repeal affect the right to any office or change the term or tenure thereof except as in this act especially provided; but this act shall, so far as applicable, be used for the adjustment and settlement of all matters provided for herein and in proceedings thereto, not impairing the obligation of any contract or affecting any vested or legal right.

§ 147. WORDS, HOW CONSTRUED.] Words giving a joint authority to three or more public officers or other persons are construed as giving such authority to a majority of them, unless it be otherwise expressed in the section or law giving the authority; and when a decision or direction is made by the majority of such officers or persons it is the duty of the one to whom its execution belongs by law to execute the same in all respects as if he had favored the particular decision or direction, or as if it were authorized unanimously.

§ 148. CERTAIN COUNTIES EXEMPT FROM PROVISIONS OF ACT.] The provisions of this act requiring the division of counties into school townships, and the election and qualification of officers for the same, and for the organization and execution of the powers of such school townships shall not have force and take effect in the counties of Union, Lincoln, Clay, Turner, Yankton, Minnehaha, Moody, Brookings, Lake, Duel, Codington, Cass, Grand Forks, Walsh, Pembina, Barnes and Lawrence until so ordered by the

respective boards of county commissioners of said counties upon said boards being satisfied respectively that the conditions of the school districts and their affairs, and of the civil townships when now organized therein, and the needs and circumstances of the schools and school property therein, and of all other matters relating to the good of schools, are such as to permit and justify the full carrying into effect of this act. Such boards of county commissioners shall carefully examine this act and inform themselves fully of the state of the foregoing affairs and conditions relating to schools in their several counties, and shall consult with the county superintendent and other school officers and citizens, and thereupon decide the matter at such time as they deem best.

§ 149. PROCEEDINGS BY BOARDS OF COMMISSIONERS OF TEMPORARILY EXEMPTED COUNTIES.] Whenever the board of county commissioners of either of said counties shall decide by resolution that the condition of school affairs in their county is such as to justify the carrying out of this act therein, they shall cause notice thereof to be given by publication, and they may proceed at any time they deem convenient to divide the county into school townships as herein provided, and to change the boundaries of townships now organized for civil purposes, and all the proceedings and acts necessary and required to be done by this act by any person, officer, board or authority at a particular time to organize school townships may be done and executed in any such county at any time the board of county commissioners may direct, or if not dependent upon them when directed by the proper officer. When any time, date or act is fixed by this act, it need not be regarded in the organization of school townships in any such county as required at the date herein named, but the time therefor may be appointed by the said board of commissioners, unless it is by law left to some other authority to appoint it. In all such counties the present school law, entitled "An act to establish a public school law for Dakota Territory," approved February 22, 1879, and all acts amendatory thereof, and the act entitled "An act to empower school districts to issue bonds for building school houses," approved March 3, 1881, and all acts amendatory thereof and dependent thereon, and the act entitled "An act making provisions for the schooling of children living in any organized district," approved February 17, 1881, shall, except as hereinafter provided and changed, continue in force for the organization, government, control and change of school districts and their boundaries therein, the same as if this act had not passed, until this act shall take effect therein as provided by this and the preceding section.

§ 150. CERTAIN PORTIONS OF ACT TO TAKE EFFECT GENERALLY.] In all counties, however, the following parts of this act shall take effect at once and be in force whether the school townships or

school district be the form of school corporation and organization, viz: Sections 1 to 22, inclusive; section 34 to 42, inclusive; sections 49 to 63, inclusive; sections 82 to 91, inclusive; sections 94 to 117, inclusive; and sections 121 to 127, inclusive; and in said sections the word district shall be inserted or understood in place of the word "township," and like word for like word whenever necessary to clearly apply the law to the school district and its officers and school board, the same as to the school township and its officers and school board, and the word "corporation" or the phrase "school corporation" shall apply to and signify school district as well as school township.

§ 151. DATE OF SCHOOL DISTRICT ANNUAL MEETING.] The school district annual meeting shall, after the year 1883, be held upon the last Tuesday in June of each year, with like notice therefor as now required by law, and with the powers provided by law, and all that time after the 31st day of March, 1883, to and including the 30th day of June, 1884, shall be included as part of the school year ending June 30, 1884. All school district officers elected in 1883 shall be chosen for a term to end on the 30th day of June in the proper year next after the 31st day of March, whereon by the present law their terms would end.

§ 152. THIS ACT TO GOVERN IN ALL NEW COUNTIES.] Except as to those counties herein specially excepted and provided for this act shall take effect immediately, and it shall take effect in all new counties hereafter organized. Whenever a new county is organized the county board of commissioners shall at a convenient and suitable time divide their county into school townships, and do all things necessary for carrying this act into effect.

§ 153. WHEN SCHOOL TOWNSHIP MAY BE SMALLER.] In all counties whereof any part is mountainous or very hilly and broken so as to render it impracticable to organize school townships of the area required by this act, then they may organize them of a suitable area, smaller than herein required.

§ 154. OFFICERS, HOW TO QUALIFY.] Hereafter all school district officers shall qualify as herein required for school township officers in all respects, and all the bonds of school district treasurers now on file in the offices of school district clerks with their oaths of office, shall by such clerks be forwarded to the county clerk, and filed in his office. Officers of school townships and of school districts shall hereafter be deemed township officers within the provisions of the Political Code, but their qualification, resignation and succession shall be governed by this act and the act governing school districts.

§ 155. FOUR MONTHS SCHOOL.] All school corporations shall maintain public schools for not less than four months in each

school year, and for a longer period if the schools can be maintained according to the principle and rule declared in the act entitled "An act making provision for the schooling of children living in any organized district," approved February 17, 1881. The school boards of all school corporations whether townships or districts shall determine the length of time each term of school shall be taught and what part shall be taught in winter and in summer; and they must so divide the terms and time schools are taught between the summer and winter as to accommodate the attendance equally, as near as may be, each year of pupils of all ages.

§ 156. TREASURER'S ANNUAL STATEMENT.] Besides the requirements herein provided for the reports of officers of corporations for school purposes the treasurer of every school district shall submit to the annual school meeting of his district the statement, with the items thereof, herein required for the reports of school treasurers, and shall exhibit the vouchers for all disbursements, and shall be prepared and make answer to the school meeting concerning the financial condition of the district and any feature thereof.

§ 157. WHEN SCHOOL DISTRICT COMPELLED TO MAINTAIN SCHOOL —FORFEITURE.] Every organized school district which has 15 or more persons of school age and which has taxable property amounting by assessment to four thousand dollars or more, shall erect or otherwise provide a public school house, which with site and furniture, is worth not less than seven hundred dollars, and shall maintain a regular public school therein for not less than four months in each school year. Such school house shall be placed upon ground held by the school district for school purposes, whether by purchase or condemnation, as provided by law, and the title to the house and furniture shall vest in the school district only, and neither in part or whole in any other owner. The school shall be a regular free, public school as required by law and shall be taught by a regularly qualified teacher. If any district fails for one year after the passage of this act and for two years after its organization to comply with and fulfill the requirements of this act, the county superintendent shall declare its organization null and void and may attach the territory embraced in the district to other districts as he may deem best for the good of schools.

Approved, March 8, 1883.

CHAPTER 45.

SCHOOL HOUSE BONDS.

AN ACT to Authorize and Empower School Townships to Issue and Dispose of their Bonds, to Provide Funds for Building and Furnishing School Houses, and to Provide for the Payment of the Principal and Interest thereof.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. SCHOOL TOWNSHIP MAY ISSUE BONDS.] Every organized school township is hereby authorized and empowered to issue its bonds in the name of the school township corporation, and to sell and dispose of the same and to apply the proceeds thereof exclusively to building and furnishing school houses for the public schools of such township, and to no other purpose. Said bonds shall be in denominations of one hundred dollars and five hundred dollars, redeemable after eight years and payable at the end of fifteen years from the date of their issue, and bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, with coupons attached for each interest payment. The bond and each coupon shall be signed by the clerk of the school township and countersigned by the director; shall be upon good bond paper, and shall distinctly state at the close of the bond proper that it is issued for school purposes only, and upon the margin shall have printed: "Issued in accordance with the provisions of the act of the Legislative Assembly of Dakota Territory, approved ....., 1883, inserting the date of the approval of this act.

§ 2. SALE OF BONDS.] Such bonds shall be sold at not less than par, but the school township is authorized to pay an amount not exceeding two per centum of their face value for the purpose of meeting all the expenses of the preparation and sale of the bonds, and the transmission and receipt of the money derived from their sale. This money may be paid from the proceeds of the bonds or out of any money in the school township treasury, and must be paid upon a warrant and the payment duly entered in the accounts. All money received from the sale of the bonds shall be paid to the treasurer of the school township, and shall be by him paid out only upon proper warrants signed by the clerk and countersigned by the director, and for purchasing or erecting and furnishing public school houses for the school township.

§ 3. BOND TAX.] The township school board shall levy each

year upon the taxable property of the school township a sufficient tax to pay the semi-annual interest when it becomes due, and, after seven years, a sufficient tax to provide a sinking fund for the payment of the principal of the bonds when due. If necessary these taxes may be, for three years after the organization of the township for school purposes, in addition to the tax authorized to be levied by the board for school purposes; but after that period all school taxes included shall not exceed three per cent. upon the taxable property of the township in any one year, except taxes for final judgments against the school township for which not more than two per cent. additional may be levied in any one year.

§ 4. REDEMPTION OF BONDS.] When the said bonds become redeemable and the school township has money in the sinking fund, or other money which may properly be applied to that purpose, because not otherwise appropriated, the township treasurer shall apply all such money to the redemption of the bonds, and the order of their redemption shall be determined by the treasurer by lot. Notice of such redemption shall be given by the financial agency at which the bonds are made payable, which may be any where in the United States, by one publication in a paper to be selected by it, and if payable at the township and by the treasurer, notice may be given by one publication in a newspaper of general circulation in and published within the county; and in either case the interest shall cease at the end of two weeks from the date of such publication. When redeemed the bonds shall be cancelled by the treasurer and clerk, or in his absence or failure the director, who shall certify the same across their face, and enter it in the clerks record book of proceedings, describing the bonds severally.

§ 5. TREASURER'S BOND.] Whenever the amount of money to come into his hands as proceeds from the sale of bonds shall, with all other township school funds in his hands, surpass the amount limited by law relating to treasurers of school townships, the clerk and director or the county superintendent shall require a new or additional bond as therein required, before the money shall be paid into his hands.

§ 6. SPECIAL ELECTION.] Before any such bonds may be issued the question of issuing them shall be submitted to a vote of the qualified electors of the school township. Such election may be held at any time upon notices thereof signed by the clerk of the school township. Said notices shall be posted in not less than six of the most public places in the township not less than twenty days before the day of election. They shall, besides the date, object and place or poll of the election, state the precise amount of bonds proposed to be issued and the number, and as near as may be, the location of the school houses proposed to be erected from the proceeds of the bonds. The election shall be held as required

by law for other elections in school townships. The ballots shall have written or printed thereon the words, "For school house bonds" or "Against school house bonds." If a majority of the votes cast be for school house bonds the bonds shall then be issued in accordance with this act, otherwise not. The judges and clerks of election shall make and immediately transmit to the county clerk a return of the election, duly stated and signed by them.

§ 7. REGISTER AND ENDORSEMENT OF BONDS.] Before the bonds are sold or disposed of they shall be presented to the county clerk. He shall carefully examine the return of the election on file in his office and shall satisfy himself by the evidence that may be furnished by the officers of the school township that such election and return are in accordance with the provisions of the notices for the election and of this law; and if satisfied that the bonds have been so lawfully voted, he shall, in a book kept for that purpose, preserve a registry of each bond, showing in separate columns and entries the name of the school township issuing the bond, the number of the bond, the denomination thereof, the date of issue, and other facts, and upon each bond shall endorse the following certificate: "I hereby certify that the within bond for ..... hundred dollars of ..... school township,..... county, Dakota Territory, is issued in accordance with law and by authority of a majority of the legal voters of said township, voting at an election duly held ....., 188.., for that purpose and is duly registered in this office." The blanks shall be filled according to the fact, and the certificate officially signed by the county clerk and attested by the seal of the county. The validity or obligation of any such school bond so registered and certified shall not be questioned in any court or tribunal, but every such bond shall be and remain valid and binding.

§ 8. WHEN COUNTY CLERK TO LEVY TOWN SCHOOL TAX.] If the coupon of any such bond, or the bond proper, shall not be paid when due by the school township and for a period of six months thereafter, the holder thereof may present the same to the county clerk of the proper county, with affidavit of some person to the fact of such non-payment after presentation, and the county clerk shall make a record of the fact and of the amount so due; and if the proper tax be not already levied by the school board of the township, the county clerk shall levy and extend upon the tax lists against all the taxable property of the township a rate sufficient to produce an amount necessary to meet the said payments, which said tax shall be collected as other school taxes are collected. Such tax shall not exceed two per cent. in any year and may be in addition to all other taxes authorized. From the first money which comes into his hands from this tax the county treasurer shall pay the coupons and then the bonds so defaulted, and the

coupons and bonds so paid and received by the county treasurer shall be delivered to the treasurer of the proper school township and receipted for the same as money. Such tax shall be levied from year to year by the county clerk and extended upon the tax lists and collected and used by the treasurer in redemption of the coupons and bonds until they are fully redeemed and paid, unless they are meanwhile withdrawn from such protest by the holder.

§ 9. REDEMPTION OF OLD BONDS.] Any school township may issue its bonds as herein provided in exchange at par for both and in redemption of school district bonds issued before its organization and for which it becomes responsible. This exchange may be made by the school board of the township without submitting the question to a vote if they are previously advised in writing by the attorney for the county, that such school district bonds are valid and binding upon the township. Such legal opinion must be filed with the county clerk Such redemption bonds must be registered and certified by the county clerk, who instead of certifying that they are issued by authority of the voters shall state that they are issued in accordance with law in redemption of lawful school district bonds.

§ 10. LIMIT OF AMOUNT OF BONDS.] No school township shall issue such school bonds to an amount greater than fifteen hundred dollars for each separate school house necessary and required for the schools of the township, and twenty-five hundred dollars for each two room graded school which the school board is by law authorized to erect. For regular graded school houses each school township may issue bonds to the amount of five thousand dollars; and where two or more school townships join in erecting a graded school building and establishing a graded school each township of those so joining may issue bonds to the amount of three thousand dollars, and no more, for such purpose. All such propositions must be submitted specifically to a vote of the township, but the question of issuing bonds for the erection of two or more separate, ordinary school houses, and furnishing the same, may be submitted at the same time and voted upon as one question. The question of issuing bonds for graded schools may be submitted at the same or different elections, but must be separate and so stated as to permit a separate vote upon every such proposition.

§ 11. POWER OF TOWNSHIP TO ACT FOR FORMER DISTRICT.] Whenever by special act a school district is authorized to issue bonds in any special amount or in any amount not exceeding a certain sum named, and such school district, so by number or description authorized, is afterwards included within a school township, such school township is authorized to issue, sell and dis-

pose of such bonds to the same amount, and to use and expend the proceeds thereof, to erect and furnish school houses within the former boundaries of such district. But the vote upon such bonds, if required by the special act, shall be as required in this act and the bonds shall have the terms, the rate of interest and all the conditions required by this act.

§ 12. LIEN.] Bonds issued under this act shall be a lien upon the taxable property of the school township issuing them, and if other provisions of law fail, or seriously delay the payment of interest or principal by the neglect or refusal of officers to perform their duty, the district court for the county may upon application of the holder of such bonds or their coupons, in payment of which default has been made, and notice to the school township, cause such taxes to be levied as will meet the obligations and when collected to apply them to the payment of such coupons and bonds.

§ 13. ACTIONS AGAINST SCHOOL TOWNSHIP.] In every action or proceeding against a school township or in which a school township is a party in any manner it shall be sufficient to serve all process, orders and notices or other writs or papers upon the director, or if he cannot be conveniently found upon either of the other officers of the school township. When the director or other officer is so served or notified he must promptly inform the other officers of the school township and the school board of the township shall give direction concerning the action or proceeding.

§ 14. This act shall take effect and be in force from and after its passage and approval.

Approved, March 9, 1883.

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